PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 21 September 2017

(Extract from book 12)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 13 September 2017)

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

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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 (until 23 August 2017)	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Speaker

The Hon. C. W. BROOKS (from 7 March 2017)

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

Mr D. A. NARDELLA (to 27 February 2017)

Acting Speakers

Ms Blandthorn, Mr Carbines, Ms Couzens, Mr Dimopoulos, Mr Edbrooke, Ms Graley, Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Mr Richardson, Ms Spence, Ms Suleyman, Ms Thomson, Ms Ward and Ms Williams.

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 — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

Council — Acting Clerk of the Parliaments and 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[4]	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma[1]	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John[5]	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David[6]	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison[7]	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard[8]	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian[9]	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

[1] Elected 31 October 2015

[2] Resigned 3 September 2015
[3] Resigned 3 September 2015
[4] ALP until 7 March 2017
[5] Nats until 28 August 2017
[6] Elected 14 March 2015
[7] Died 23 August 2017
[8] Elected 31 October 2015
[9] Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

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

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

Legislative Assembly select committees

Penalty Rates and Fair Pay Select Committee — Ms Blandthorn, Mr J. Bull, Mr Clark, Mr Hibbins, Ms Ryall, Ms Suleyman and Ms Williams.

Joint committees

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

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Ms Hutchins, Mr Merlino, Mr M. O'Brien, Mr Pakula 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, Ms Garrett and Ms Ryall. (*Council*): Mr Bourman, Mr Elasmar and Mr Melhem.

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

Environment, Natural Resources and Regional Development Committee — (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan. (*Council*): Mr O'Sullivan, Mr Ramsay and Mr Young.

Family and Community Development Committee — (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish. (*Council*): Dr Carling-Jenkins and 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 Gepp and Ms Patten.

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

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

CONTENTS

THURSDAY, 21 SEPTEMBER 2017

Thursday, 21 September 2017

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

PETITIONS

Following petitions presented to house:

Mountain Highway, Bayswater

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that the right-turn arrow cycle from Mountain Highway into Valentine Street, Bayswater, needs to be reprogrammed.

Currently it operates every second cycle or less, leaving long waiting times that discourage people accessing Bayswater businesses, and filling the slip lane which regularly banks back and blocks one of the two lanes on Mountain Highway.

The petitioners therefore request that the Legislative Assembly of Victoria requests VicRoads to reprogram the traffic light cycle of the right-turn arrow.

By Ms VICTORIA (Bayswater) (35 signatures).

Young Street, Frankston

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw to the attention of the house serious community concerns regarding the continuous and lengthy delays to completion of the redevelopment project in Young Street, Frankston, and to the serious damage these delays are causing to the local traders, many of whom have already been forced to close their businesses.

The petitioners therefore respectfully request the Legislative Assembly of Victoria to call on the Victorian government to:

1) ensure that work on the Young Street project continues non-stop and at the fastest possible pace to guarantee completion on the earliest possible date; and

2) provide all relevantly affected Young Street traders with just compensation for lost trade caused by delays to the completion date.

By Mr BURGESS (Hastings) (3235 signatures).

Mandatory sentencing

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house our request for the Director of Public Prosecutions Victoria to appeal Brandon Osborn's lenient sentence in the interest of justice for Karen Belej.

We, the undersigned, ask the house to note that the people of Victoria are dismayed by lenient sentences handed out to violent criminals.

Further, the petitioners request the Legislative Assembly of Victoria to call on the Andrews Labor government to introduce mandatory minimum sentences for violent criminals.

By Mr CRISP (Mildura) (4683 signatures).

Tabled.

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

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

Ordered that petition presented by honourable member for Bayswater be considered next day on motion of Ms VICTORIA (Bayswater).

DOCUMENTS

Tabled by Acting Clerk:

Adult, Community and Further Education Board — Report 2016–17

AMES Australia — Report 2016–17

Australian Centre for the Moving Image — Report 2016–17

Australian Grand Prix Corporation — Report 2016–17

Barwon Region Water Corporation — Report 2016–17

Central Gippsland Region Water Corporation — Report 2016–17

Central Highlands Region Water Corporation — Report 2016–17

City West Water Corporation — Report 2016–17

Coliban Region Water Corporation — Report 2016–17

Corangamite Catchment Management Authority — Report 2016–17

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Moorooduc Recreation Reserve

Disability Services Commissioner — Report 2016–17

Docklands Studios Melbourne Pty Ltd — Report 2016–17

East Gippsland Catchment Management Authority — Report 2016–17

East Gippsland Region Water Corporation — Report 2016–17

Economic Development, Jobs, Transport and Resources, Department of — Report 2016–17

Education and Training, Department of — Report 2016–17

Emerald Tourist Railway Board — Report 2016–17

Emergency Services Superannuation Scheme — Report 2016–17

Energy Safe Victoria — Report 2016–17

Environment, Land, Water and Planning, Department of — Report 2016–17

Environment Protection Authority — Report 2016–17

Fed Square Pty Ltd — Report 2016–17

Film Victoria — Report 2016–17

Financial Management Act 1994 — Financial Report for the State of Victoria 2016–17, incorporating Quarterly Financial Report No 4 — Ordered to be published

Freedom of Information Commissioner — Report 2016–17

Geelong Performing Arts Centre Trust — Report 2016–17

Gippsland and Southern Rural Water Corporation — Report 2016–17

Glenelg Hopkins Catchment Management Authority — Report 2016–17

Goulburn Broken Catchment Management Authority — Report 2016–17

Goulburn Murray Rural Water Corporation — Report 2016–17

Goulburn Valley Region Water Corporation — Report 2016–17

Grampians Wimmera Mallee Water Corporation — Report 2016–17

Independent Broad-based Anti-corruption Commission — Report 2016–17 — Ordered to be published

Kardinia Park Stadium Trust — Report 2016–17

Library Board of Victoria — Report 2016–17

Lower Murray Urban and Rural Water Corporation — Report 2016–17

Mallee Catchment Management Authority — Report 2016–17

Melbourne and Olympic Parks Trust — Report 2016–17

Melbourne Convention and Exhibition Trust — Report 2016–17

Melbourne Cricket Ground Trust — Report 2016–17

Melbourne Port Lessor Pty Ltd — Report 2016–17

Melbourne Recital Centre — Report 2016–17

Melbourne Water Corporation — Report 2016–17

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2017 and Summary of Variations notified between 3 August 2017 and 20 September 2017 and Summary of Primary Return — June 2017 — Ordered to be published

Mental Health Complaints Commissioner — Report 2016–17

Mental Health Tribunal — Report 2016–17

Museums Board of Victoria — Report 2016–17

National Gallery of Victoria, Council of Trustees — Report 2016–17

National Parks Act 1975 — Report 2016–17 on the working of the act

National Parks Advisory Council — Report 2016–17

North Central Catchment Management Authority — Report 2016–17

North East Catchment Management Authority — Report 2016–17

North East Region Water Corporation — Report 2016–17

Phillip Island Nature Parks — Report 2016–17

Places Victoria — Report year ending 31 March 2017

Port of Hastings Development Authority — Report 2016–17

Port Phillip and Westernport Catchment Management Authority — Report 2016–17

Premier and Cabinet, Department of — Report 2016–17

Public Record Office Victoria — Report 2016–17

Roads Corporation (VicRoads) — Report 2016–17

Rolling Stock Holdings (Victoria) Pty Ltd — Report 2016–17

Rolling Stock (Victoria-VL) Pty Ltd — Report 2016–17

Rolling Stock (VL-1) Pty Ltd — Report 2016–17

Rolling Stock (VL-2) Pty Ltd — Report 2016–17

Rolling Stock (VL-3) Pty Ltd — Report 2016–17

South East Water Corporation — Report 2016–17

State Electricity Commission of Victoria — Report 2016–17

State Sport Centres Trust — Report 2016–17

State Trustees Ltd — Report 2016–17

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rule 94

Transport Accident Commission — Report 2016–17

Treasury Corporation of Victoria — Report 2016–17

V/Line Corporation — Report 2016–17

Victorian Arts Centre Trust — Report 2016–17

Victorian Catchment Management Council — Report 2016–17

Victorian Coastal Council — Report 2016–17

Victorian Curriculum and Assessment Authority — Report 2016–17

Victorian Environmental Assessment Council — Report 2016–17

Victorian Funds Management Corporation — Report 2016–17

Victorian Government Purchasing Board — Report 2016–17

Victorian Institute of Teaching — Report 2016–17

Victorian Managed Insurance Authority — Report 2016–17

Victorian Multicultural Commission — Report 2016–17

Victorian Planning Authority — Report 2016–17

Victorian Ports Corporation (Melbourne) — Report 2016–17

Victorian Public Sector Commission — Report 2016–17

Victorian Rail Track — Report 2016–17

Victorian Regional Channels Authority — Report 2016–17

Victorian Registration and Qualifications Authority — Report 2016–17

Victorian Veterans Council — Report 2016–17

Victorian WorkCover Authority — Report 2016–17

VITS Languagelink — Report 2016–17

Wannon Region Water Corporation — Report 2016–17

West Gippsland Catchment Management Authority — Report 2016–17

Western Region Water Corporation — Report 2016–17

Wimmera Catchment Management Authority — Report 2016–17

Yarra Valley Water Corporation — Report 2016–17.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourns until Tuesday, 17 October 2017.

Motion agreed to.

MEMBERS STATEMENTS

Armadale Primary School

Mr M. O'BRIEN (Malvern) — I was pleased to visit Armadale Primary School recently and address their morning Assembly. I enjoyed a terrific discussion with the students about what they believe is needed to make our community an even better place. There were plenty of great ideas coming from the Armadale primary students. They wanted to see more parks and play equipment, they wanted to see less litter, they are very opposed to cruelty to animals, they wanted to encourage more sport and exercise and they also wanted more shopping centres. I promised the students that I would raise their suggestions in the Parliament, and I am pleased to do so today. I thank principal Rochelle Cukier and all the students and staff for giving me such a warm welcome, and I look forward to returning soon.

I wanted to raise their suggestions in Parliament today to demonstrate that we have got some very bright ideas coming from young students. Armadale is a particularly good school; it is home to almost 400 students, with the numbers continuing to expand. It is a great school with active assistance from its parent group and the wider community, but it does need some practical support from the government, in particular with the enormous new residential project at 590 Orrong Road coming online soon.

This project is located in Armadale primary's school zone, so this is presenting a big challenge for the school, because everyone who moves into that new apartment development, and it is an enormous development, will have a right of enrolment to Armadale primary. So, I call on the Andrews Labor government to assist Armadale Primary School with upgrading facilities in order to ensure that the great quality education that the current students get can continue into the future.

Chris Kaminaras

Ms NEVILLE (Minister for Police) — Today I pay tribute to a much respected friend and Portarlington community champion, Chris Kaminaras, who sadly passed away on the 30 August, aged 70. I first met Chris and Lucy in early 2002 when they were supporting many elderly Greek members of the community of Portarlington. I spent those years working with them and supporting them in the great work that they did. I got to know and love both of them.

Chris was born in Cyprus on 27 April 1947 and was one of four children. At 17 he qualified as a plumber but soon was conscripted into the Cypriot army. In 1968, on completing his army service, he moved to Melbourne at the age of 21, and in typical Chris style he wasted no time in establishing his new life. He met his much-beloved Lucy shortly after his arrival, and they were married a year later in 1970 and went on to raise a family.

It was when they moved to Portarlington that I got to meet them. Chris and Lucy absolutely loved Portarlington and contributed significantly to community life. Chris played a leading and highly respected role in numerous organisations, particularly at the end at the Portarlington Maltese Pensioner Association. He also loved to fish, and I enjoyed many fish meals with him and Lucy. As he got older Chris never lost his love of Greece, and sadly he passed away suddenly while enjoying the holidays.

My condolences and thoughts go out especially to Lucy, who is really grieving, and to her family. Vale, Chris Kaminaras. He will be sadly missed by many.

Strzelecki Ranges timber harvesting

Mr D. O'BRIEN (Gippsland South) — I extend my congratulations to the Mirboo North community for a massive turnout to a public meeting last Thursday night to learn more about proposed timber harvesting operations by VicForests in the Strzelecki Ranges. Some 350 people attended the meeting and listened carefully to VicForests about their proposals for harvesting three coupes near the town, but they forcefully put their views on the issue. I have been liaising with VicForests about this matter since it was first brought to my attention some weeks ago and am optimistic that some of the concerns of the community can be addressed.

Gippsland South electorate sporting clubs

Mr D. O'BRIEN — Congratulations to the local Mirboo North football team on its two-point win over Yinnar in the Mid Gippsland Football League grand final and to Fish Creek on its comfortable win over Toora in the Alberton Football League. It was also great to be there to see Sale City Football Netball Club win back-to-back flags in the North Gippsland Football Netball League on Saturday, with the A-grade netballers winning a thrilling extra-time game against reigning premiers Woodside by one goal. Sale City also won D-grade and under-17s netball, a fantastic achievement for a club that went into recess for a season a little over 10 years ago and has won four senior premierships since.

Saturday must surely be third time lucky for the Leongatha Football Club as it plays off for the premiership against Maffra. Senior coach Beau Vernon has been an inspiration for the club, for the league and for many thousands of followers around the country since suffering a severe on-field injury while playing for the Parrots in 2012 that left him quadriplegic. The Parrots have been the best side all year again this year, and I am sure everyone — apart from Maffra — will be hoping they can bring home the bacon in the big one.

Gippsland South electorate schools

Mr D. O'BRIEN — Thanks to Sale College Victorian certificate of applied learning students, who invited me to talk about the political process and ethical issues surrounding euthanasia last week. It is a difficult topic that was sensitively handled. It was also a pleasure to speak to year 12 students at Catholic College Sale and to answer their intelligent questions about my role as their local representative.

Werribee electorate schools

Mr PALLAS (Treasurer) — I rise to inform the house of my second interschool student debate, which was held at Wyndham Central College on 1 September. Wyndham Central College students were joined by others from Werribee Secondary College to participate in the role-play led by Parliament of Victoria staff in the simulated debate, and I want to thank those staff involved in the process. We all know that democracy is at its best when people are empowered to actively participate and when the Parliament is made accessible to the people. Democracy was well and truly in action at this year's interschool debate. Nabeel Mohammed, a student from Werribee Secondary College, was credited with playing my part and provided some stiff competition.

I started this interschool debate to give students a sense of the work we do here in Parliament. It is about making clear to them that this Parliament is their Parliament. I thank Wyndham Central College for hosting the debate, with particular mention to Mark O'Callaghan and principal Leanne Gagatsis for helping to coordinate this event. Werribee boasts some fantastic young people with vision, drive and dedication. I look forward to seeing all they accomplish in the future.

Government performance

Mr WAKELING (Ferntree Gully) — I have spoken to many residents throughout Knox who have raised concerns about the current health system in Victoria around ambulance waiting times; the need for more hospital beds; the length of surgery waiting lists, particularly for hips and knees; and the cost of medical transport for seniors who regularly travel in and out of hospital. Our population is growing by over 100 000 residents each and every year, and it is imperative that our hospitals and allied health services are able to keep pace to meet the needs of our growing community.

Residents throughout Knox have raised significant concerns about the lack of forward planning and maintenance of our road and freeway systems. Many residents, particularly in Knox, lost faith in the current government when it wasted over $1 billion of taxpayers money by choosing not to build the east–west link, a road project that is sorely needed by my community and very well supported by residents in my electorate. With Victoria's population growing by over 100 000 residents every year, it is imperative that this government is maintaining and building the necessary road and freeway infrastructure that will meet the needs of my community. This includes the construction of the east–west link.

Senior residents across Knox are very concerned about the soaring cost of living and its impact on their households. With increased electricity, gas and water bills; the growing cost of car registration; the rising cost of grocery bills and transport costs; and a lack of aged care residences, it is imperative that the Andrews government listens to the concerns of senior residents throughout Knox and provides the support they need, particularly relief when it comes to the cost of living.

Whittlesea Tech School

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — Last week I was joined by the members for Thomastown and Yan Yean to turn the first sod for the Whittlesea Tech School at Epping. The tech school is one of 10 tech schools across Victoria supported by the Andrews Labor government. This is a $128 million project to grow this fantastic new type of schooling for many, many students who are going to get fantastic outcomes from it.

Whittlesea Tech School in particular is going to boast first-class learning in science, technology, engineering and mathematics to enable students to be fit for today's digital age and tomorrow's jobs. I look forward to seeing our best and brightest minds be nourished and developed so that they have the skills and opportunities to join Victoria's booming workforce. Tech schools are going to be a great way for kids to develop themselves and society for the better.

Plenty Road upgrade

Ms D'AMBROSIO — I also want to quickly touch on the progress being made by VicRoads on our government's widening of Plenty Road. Many community consultations have been held on the design of the project. In particular I am grateful to the Minister for Roads and Road Safety for considering my request on behalf of the community to ensure that there is a right-hand turn into Rivergum Estate from the redesigned Plenty Road. I am hoping that this request bears fruit. It is an important part of the road project and gives an opportunity for the community to move freely in and out of that housing estate. More lanes are going to be added to ease traffic congestion, which is going to have a massive impact on our community, with increased access to places of employment, schools and social spaces.

Young Street, Frankston

Mr BURGESS (Hastings) — On 14 August a letter was sent to the Minister for Public Transport, the Minister for Small Business, Innovation and Trade, the Minister for Roads and Road Safety and the member for Frankston, calling on them to attend the next meeting of the Young Street Traders to be held on 28 August. Of course none bothered to attend.

The joint letter was signed by me as shadow minister for small business; Chris Crewther, the federal member for Dunkley; the deputy mayor of Frankston City Council and member of the Labor Party, Steve Toms; several other Frankston City councillors; the Frankston Business Network and 36 Young Street traders. It was hoped the letter would draw the attention of the three ministers and the local member for Frankston to the desperate plight of the Frankston Young Street traders and surrounding businesses that have been so badly affected by the repeated delays to the Young Street works.

Families are suffering, and the emotional and financial stress is taking a great toll on the mental health of business owners. A number of traders are seeking help for mental health issues, including depression, and sadly there have been reports of attempted suicide as a result of the stress and damage to business caused by what can only be described as the total disinterest of the local member.

On 22 August during question time in the other place the Minister for Small Business, Innovation and Trade was asked whether he planned to attend the meeting and if he would consider compensation. Unfortunately, once again, he responded that it was not his responsibility.

Eel Race Road level crossing

Mr BURGESS — On 4 September I attended a rally with 30 to 40 Carrum residents to protest against plans by the Premier and the member for Carrum to close the level crossing at Eel Race Road in Carrum. Liberal candidate Donna Bauer has secured a commitment that a coalition government will either reopen or open that very important level crossing. Local residents and businesses have been telling the Andrews government and their local member that the closure of Eel Race Road will increase congestion near those streets and a section of the Carrum community will be cut off from their neighbouring friends, facilities and suburbs.

Jan Wilson

Mr PAKULA (Attorney-General) — I rise to pay tribute to the late Jan Wilson, OAM, who was last month inducted into the Greyhound Racing Hall of Fame. After serving as a Dandenong councillor, Jan served 14 years as the member for Dandenong North until her retirement in 1999. Amongst other roles she served as shadow Minister for Racing in the 1990s, but it was her role as chairperson of Greyhound Racing Victoria (GRV) from 1999 to 2010 that was honoured by the industry last month.

Jan served as chairperson of Greyhounds Australasia from 1999 to 2010 and as president of the World Greyhound Racing Federation from 2007 to 2010. She was a recipient of the Order of Australia Medal and inducted into the Victorian Honour Roll for Women this year for her advocacy to improve animal welfare practices across Victoria.

Whilst Jan was chairperson of GRV, new racetracks at Sale, Warrnambool and Warragul were opened; the Great Chase community series was commenced, which has contributed more than half a million dollars to Victoria's disability sector and provided a social outlet for thousands of Victorians with intellectual and physical disabilities; and the Greyhound Adoption Program facility in Seymour was purchased. It was later renamed the Wilson-Gannon Centre in honour of Jan and the late Dr James Gannon, and it is central to the rehoming of more than 7000 former racing greyhounds as pets. It was her crowning achievement.

Greyhound racing remembers Jan with great affection, as do I, and when I think of her, one instruction always comes back to me: 'Martin, don't you dare call them dish lickers!'.

Karen Belej

Mr CRISP (Mildura) — Since the sentencing of Karen Belej's killer — and let us be very clear, that is what he is — we have seen an outpouring of support and community outrage at a person's life being reduced in value to a mere six years. The sentence gives no justice to Karen and her family, and frighteningly, nor does it act as a deterrent. Over the last two weeks, my office has been inundated with people queueing up to add their name to our Justice for Karen petition.

No-one will ever know the true scale of Karen's experience — her fear, her helplessness and her pain. What we do know is that she must have been desperate, as most victims of family violence are. We also know that she had hopes and dreams for her future, just as her family and friends had hopes and dreams for her and the life she should have had. One person with one gun stole that from Karen, and no amount of legal speak will ever convince me that a six-year sentence is adequate.

Family violence affects a staggering number of people. Men, women and children are victims of abuse in the place they should feel safest — their own home. I would be happy to see Mildura leading the statistics in many things, but I will not accept it leading the state in domestic violence rates. We need to change attitudes and we must start from the top — with the court sentencing system. We need a whole community approach to a whole community problem.

Our community has stood up and very clearly said, 'Enough is enough'. We are calling for a reset of our sentencing system so that the horror of a crime, such as the one committed against Karen, is better reflected by the sentence handed down to the perpetrator. Remember: evil triumphs when good people do nothing.

Reyhan Unal and Imran Ahmed

Ms HALFPENNY (Thomastown) — On 16 September I had the great honour to witness the exchange of rings between Reyhan Unal and Imran Ahmed. Reyhan and her family are great friends of mine and of my family. They are long-time members of the Labor Party and very active within the community. The ring exchange ceremony is both a religious and cultural ceremony in the Turkish tradition. It signifies the commitment of love between two people and the

first step towards marriage. The evening consisted of great company and delicious Turkish food and sweets; I even had my future foretold from my coffee cup by Mrs Sevinc Yurtsever. Congratulations to Sucettin and Perihan, Reyhan's parents, and also to Rukiye and Remzi, her brother and sister. You must all be very proud of Reyhan and your future son-in-law and brother-in-law.

Lalor Secondary College

Ms HALFPENNY — I also attended a meeting organised by Lalor Secondary College, through Peter James, the vice-principal, and Corey Jewell, the principal of the school. This meeting was with principals of the primary schools within Lalor and Thomastown to discuss the many issues affecting school students and families in the Lalor and Thomastown areas. I commend all the principals for their incredibly hard work and commitment, particularly under the circumstances where there are limited resources and many students are from a refugee background and require extra support. I also commend Lalor Secondary College, the school of choice for families in the area. It is a great school that needs a great hall.

Spinks Tinsmiths factory

Ms SANDELL (Melbourne) — We are losing important and beautiful buildings across Melbourne at an alarming rate, and I am here to draw attention to one particular case. Recently the City of Melbourne undertook an extensive heritage review of West Melbourne and identified the old Spinks Tinsmiths factory at 488 La Trobe Street as being of heritage significance. The council urged the Minister for Planning to implement interim heritage controls for the site, but he refused. As a result, the building will now be lost. Developers have been given permission to demolish the building and build an 18-storey apartment building instead. The local community is campaigning to stop this destruction, and I stand with them. Due to lack of action by this Labor government and previous governments, we have lost the Princess Mary Club, we have lost the Palace Theatre and we have lost many other buildings. Future generations will look back on these decisions and say, 'How could governments let this happen to our wonderful city?'.

Tenants Victoria drop-in service

Ms SANDELL — I also call on the government to protect renters and to restore funding to Tenants Victoria for their renters drop-in service. This government claims to support renters and is campaigning very hard, I note, in the Northcote by-election on this very issue, yet it has cut important funding to Tenants Victoria, which has led them to make a very difficult decision to close their drop-in service. Over 2000 renters a year will now not get the advice and advocacy that they need. That funding needs to be restored.

Simone Cariss

Mr CARROLL (Niddrie) — I rise to congratulate Simone Cariss, co-founder of the Girls' Uniform Agenda and resident of Aberfeldie in my electorate, on the success of her hard-fought campaign for girls to have the right to wear shorts and trousers to school. In a major win for Simone and her group, the Victorian Minister for Education last week announced that he was set to change state school uniform policy to let girls wear shorts or pants instead of dresses and skirts. This is a major achievement that my constituent Simone should be very proud of.

I first met Simone in November 2016 following an email she sent me requesting an opportunity to deliver a petition calling for gender equality with school uniforms. The petition then had over 18 000 signatures and today it has 21 000 signatures. I subsequently set up a meeting with Simone, me and the late Fiona Richardson, Minister for Women, at Parliament House, where the petition was presented and the necessary changes discussed. The genesis of the petition was Simone's daughter being denied the option of wearing pants instead of a tunic at her local Aberfeldie Catholic primary school. Her daughter wanted to wear pants instead of a tunic so that she could play soccer at school at lunchtime and the school initially said, 'No'. Since the petition was circulated her daughter's school has changed their policy, but Simone's fight continues for students right across the state.

I know Simone is committed to also ensuring that Catholic and independent schools follow suit with our state schools. Research on girls activity levels and school uniforms has shown they do less physical activity and play at school when wearing a dress or skirt. Further, preventing girls from wearing shorts and pants could amount to unlawful discrimination, according to the Victorian Equal Opportunity and Human Rights Commission. Congratulations, Simone. I am very proud to have represented you on this very important cause.

Latrobe Valley employment

Mr NORTHE (Morwell) — Unemployment in the Latrobe Valley remains a massive concern for many

local residents and families. Whilst our community is resilient and innovative in many respects, the closure of local businesses such as Hazelwood power station and Carter Holt Harvey have really hit us hard.

In December 2010 unemployment in Latrobe city sat at 7.6 per cent, with 3001 persons unemployed. In December 2014, when the coalition left office, unemployment had reduced to 7.23 per cent, with 2682 persons unemployed. In March 2017, however, unemployment had risen to 10.2 per cent, and the number of persons unemployed had increased to 3801. So in the short space of just over two years since December 2014 the unemployment rate rose by 2.9 per cent and an additional 1119 persons joined the unemployment queue — and this is even before the closure of Hazelwood power station and Carter Holt Harvey have even been factored in.

In my view the government has to facilitate the construction of a new high-efficiency, low-emissions coal-fired power station in the Latrobe Valley. With Hazelwood now closed and Yallourn having a limited life, the construction of a new power station would be fantastic for our local economy in addition to providing security of supply and keeping energy prices down. Whilst I acknowledge there are a number of projects on the table within the Latrobe Valley, it is imperative that all levels of government support our local people and our local businesses not only through these new projects but through their procurement practices more generally. This is a major source of frustration where capable local people could be employed or local businesses and services utilised yet this does not happen nearly often enough, and it should.

Cranbourne electorate sporting clubs

Mr PERERA (Cranbourne) — As we come to a close with our winter sports for the 2017 season, I wish to congratulate all teams who participated in many sports over the winter period in my electorate and also across Victoria. Many sports are played over the winter period, including Australian Rules football, soccer, Rugby League and Rugby Union, in naming a few. I wish to congratulate the men, women, boys and girls who not only participated in team sports but also did so during a very weathered winter period.

Many of you would have taken home some silverware and many of you would not. Win, lose or draw, you are all winners in my book because you had the audacity to participate. I also take this opportunity to congratulate all of the unsung heroes who often work their butts off in making sure that our teams perform week after week. I am talking about the volunteers who make our clubs wonderful places to be at: our mums and dads, our sporting officials and of course our canteen volunteers. Without you, there simply would not be a community feel at our wonderful local sporting clubs. Please keep up the good work.

Mentone railway station gardens

Mr THOMPSON (Sandringham) — I pay tribute to the Friends of Mentone Station & Gardens and their president, Dorothy Booth, for the great work undertaken over the past two years in engaging with the Level Crossing Removal Authority in relation to grade separation in Mentone and working to achieve the best outcome for Mentone in relation to rail under road and the conservation of the heritage features of the station gardens.

St Matthew's Anglican Church, Cheltenham

Mr THOMPSON — I wish to pay tribute to the vicar and members of the Cheltenham Anglican church on the celebration of their 150th anniversary last weekend. In particular I wish to note the outstanding work undertaken by Marlene Davies and her keen-minded group of people. Local historians, including Graham Whitehead and Sue Polites, have sought to record the history of the church and its outreach into the wider community. Presently there is a great service for the wider district through Matt's Place, which provides regular meals for those who would seek a hot lunch on regular occasions.

Cheltenham and Mentone railway stations

Mr THOMPSON — I wish to place on record the great work undertaken by the City of Kingston's CEO, John Nevins, and the senior planning manager, Jonathan Guttman, in helping to co-convene a forum looking at the best planning outcomes for Mentone and Cheltenham in relation to the once-in-a-century opportunity to help design the interface between the railway stations and the surrounding areas.

Mernda Central College

Ms GREEN (Yan Yean) — Last week I had the privilege of being principal for a day at Mernda Central College. I was delighted to join principal Mandy O'Mara and her amazing team of educators and wonderful inaugural students. It was a particularly special day because the year 7 students held an Indigenous peoples exhibition event and a first peoples exhibition in the evening.

Students worked very hard throughout the term organising this special event, which included

Indigenous ceremonial dances and didgeridoo playing by Ralphy Bamblett's family. Ralphy is a popular year 7 student at the college. Mernda Central College has strong bonds with Indigenous culture, with eight families from Aboriginal and Torres Strait Islander backgrounds. The school is built around a large scarred tree which is the nucleus of the school and a reminder to us all that Wurundjeri people lived in the area for thousands of years before European settlement.

I give a big shout out to Vera Soldini, Liam Ward and Rachael Salter for coordinating the exhibition and to the students for how well they undertook and presented their work. I was privileged to unveil a plaque to commemorate the completion of the college buildings. It is such an important community asset that the school community and parents campaigned for, and I was proud that it was one of the first new schools built by the Andrews government.

John Butler

Ms GREEN — I also wanted to note the sad passing of Cr John Butler from the City of Whittlesea. I did not know John very long; he was a member of the Liberal Party. But despite our political party differences, we actually got along famously and were jointly committed to supporting veterans in the area and establishing the Doreen RSL. He will be sorely missed.

Narracan electorate weed control

Mr BLACKWOOD (Narracan) — The management and enforcement of noxious weed management on private land is a real issue in my electorate, particularly in the Strzelecki Ranges. The Leader of The Nationals and I recently met with the Mount Worth and District Landcare Group and representatives from South Gippsland. Naturally they are very concerned about the lack of enforcement action taken by the Department of Environment, Land, Water and Planning (DELWP) with non-conforming property owners. With an excellent spring certain to follow recent good rains, ragwort and thistles will thrive if the appropriate treatment is not undertaken on properties that have historically had a problem. Sadly the responsible property owner is exposed to the irresponsible property owner. Despite best efforts on their own property, they will be impacted by infestation from over the fence. DELWP must address this issue as an urgent priority and support the significant number of responsible property owners who do the right thing in relation to weed mitigation.

Baw Baw kindergartens

Mr BLACKWOOD — Last Friday the shadow Minister for Families and Children, Georgie Crozier, visited my electorate. We met with kindergarten parents who are very concerned about the increase in kinder fees in the Shire of Baw Baw. It appears that the Andrews government, through Minister Mikakos, has instructed YMCA as a cluster manager to increase fees to $1500. This means that over the past four years kinder fees in the Baw Baw shire have increased by almost 50 per cent. Why would they increase the risk of children from disadvantaged families who are just above the healthcare card threshold not being given the opportunity to attend four-year-old kinder, and why would the Andrews government put such enormous pressure on families that are already struggling to make ends meet with the massive increases in electricity charges due to the closure of Hazelwood?

Ivanhoe electorate road upgrades

Mr CARBINES (Ivanhoe) — The Victorian government is removing two dangerous and congested level crossings along the Hurstbridge line, building a brand-new Rosanna station and duplicating the single-track section between Heidelberg and Rosanna. This will make communities safer and get commuters in Melbourne's north-east home sooner. This is a $395 million investment, and it already includes extra peak-hour services additional and added to the Hurstbridge line. As part of the works required to remove the level crossing at Lower Plenty Road, some temporary traffic changes have been introduced in the local area. Commuter car parks on the east and west sides of Rosanna station are now closed to allow for construction. To offset these closures around 100 additional car parks have been created in Ellesmere Parade. For safety reasons traffic has been temporarily restricted to southbound traffic only.

We have recently received feedback from local residents and Rosanna Primary School, suggesting some drivers are not taking appropriate care when using detour routes. In response I am working closely with Banyule City Council to install electronic speed signs to encourage drivers to slow down on Bellevue Avenue. We have also asked Victoria Police to increase speed limit enforcement in the area. We are also investigating the potential to install other traffic calming measures such as temporary speed humps. During the project there will be other disruptions in Ellesmere Parade, including temporary road closures to build the new rail bridge. Further details will be advised closer to the time of any changes.

We are also not going to be supporting any permanent changes to the intersection of Ellesmere Parade and Lower Plenty Road after community consultation, but the proposal to modify Beetham Parade and provide a signalised intersection there with Lower Plenty Road will be pursued. I would just like to thank the workers and residents. As a Rosanna resident in Invermay Grove, I understand and watch these works closely. Together we will get the job done.

Heath Marsh Road, Panmure, level crossing

Ms BRITNELL (South-West Coast) — The Heath Marsh Road level crossing in Panmure is probably one of the most troublesome in the state, yet it seems to be receiving very little attention. On Anzac Day I was attending the memorial service at Panmure, and in the background you could hear the bells of the crossing tolling continuously. This went on for the entire length of the service, and I am told it is not an uncommon occurrence. Nearby residents tell me the boom gates are down at least once a week for extended periods of time, sometimes up to 8 hours. Not only is it annoying for those people who live nearby, but it is also dangerous.

I spoke to a resident again last week who told me the biggest fear is that one day the gates will be down for the right reason, and someone who is so used to them being stuck down will just go around the boom gates, ending in tragedy. That is the problem with this level crossing. If the gates are stuck down, it is not easy for vehicles to turn around and go the other way, especially milk tankers. Often drivers will navigate through the crossing. It is not the right thing or the safe thing to do, but when the gates are stuck down for hours on end there are few other options.

I am told that it often takes several hours for crews to respond, but if the boom gates are stuck down on a weekend, it can be days before someone is sent to fix the problem. It seems odd to me that there were concerns about several levels crossings along the Warrnambool line and an upgrade program was rapidly rolled out, but for this one, with its continual problems and its potential to be a major safety risk, there is a continual bandaid approach to repairs and seemingly authorities are not looking to permanently fix this problem.

I have raised this matter with the minister and hope she will conduct a full investigation of this crossing. It is not just to eliminate the constant nuisance for my constituents but also to protect the integrity of the crossing so people can be assured when the gates are down that a train is actually approaching.

Green Gully Soccer Club

Ms SULEYMAN (St Albans) — On Saturday, 16 September, I was delighted to attend the Green Gully Soccer Club 2017 senior presentation night. Green Gully was established in 1956 in the heart of St Albans and has a rich history. It has grown to be one of the best clubs and an icon in the west. I would like to congratulate Harry Moakes, OAM, the founder of Green Gully Soccer Club, who was inducted into the club's hall of fame. His contribution and dedication to football in the west has been outstanding. I would also like to thank the president, Dennis Venes, Raymond Mamo, the committee, volunteers and supporters for their hard work during the year, and I wish Green Gully the best for the next season.

Sunshine Hospital

Ms SULEYMAN — On another matter, recently I was joined by the Minister for Health to launch a world-first security trial at Sunshine Hospital. The trial will use the latest cutting-edge technology to fight cyberthreats and keep our hospitals safe. I am very proud that this is being run at Sunshine Hospital in Melbourne's west. It is a first for the world, and the results will be outstanding.

IPC Health

Ms SULEYMAN — On another matter, I would also like to thank IPC Health for their hard work, and in particular Alex Johnstone and his team, which provide many services to the west, including treatment services for heart disease, diabetes, hepatitis, mental health, dental health and much more. This is one of the largest service providers in the western suburbs, and I note their contribution and commitment to the west.

Country Fire Authority Eltham brigade

Ms WARD (Eltham) — I thank Eltham Country Fire Authority for a terrific awards ceremony last Saturday night, which included recognition of 20 years service by Graeme Gibson; 15 years of service by Andrew Heath; 10 years by Matt Thomas; and five years by Rhys Trevithick, James Morrison, Jackson Riley, Cameron McCormick, Liz Wade and Matt Quillici; as well as a fantastic appreciation of service by ex-lieutenants Trevor Cavanagh, Rhett Hoyne and David McCormick. Firefighter of the year went to Rhys Trevithick, the operations award went to James Morrison and the Brigade Management Team award went to Lauren Walder. It is fantastic to see a young woman contributing so much.

VOLUNTARY ASSISTED DYING BILL 2017

Statement of compatibility

Ms HENNESSY (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the 'charter'), I make this statement of compatibility with respect to the Voluntary Assisted Dying Bill 2017.

In my opinion, the Voluntary Assisted Dying Bill 2017, 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

Background to the bill

In June 2016, a cross-party parliamentary committee tabled its final report on its inquiry into end-of-life choices. The inquiry was conducted over a year and included extensive consultations and research.

The parliamentary committee made a number of recommendations in relation to palliative care and advance care planning. The committee also found that there were a small number of circumstances in which palliative care cannot provide the relief needed to address the suffering at the end of a person's life. The committee's final recommendation was that, in these very limited cases, medical practitioners should be allowed to assist people to die.

Building on the work of the parliamentary committee, the government established the Voluntary Assisted Dying Ministerial Advisory Panel to develop a safe and compassionate voluntary assisted dying framework for Victoria. The panel was made up of clinical, legal, consumer, health administrator and palliative care experts. In July 2017, the panel delivered its final report outlining how the committee's recommendation could work in practice, and to ensure only those making voluntary and informed decisions and at the end of their life could access voluntary assisted dying.

The panel's report was informed by an extensive consultation process with a range of stakeholders, relevant research on end-of-life care and other medical treatment, research on voluntary assisted dying frameworks in other jurisdictions, and the panel's own expertise and experience. In providing its recommendations, the panel used the charter as a framework for considering the rights of all Victorians when making decisions and resolving complex issues in relation to voluntary assisted dying, noting that every human life has equal value, and human rights provide guidance for upholding and safeguarding this value. The human rights in the charter uphold the rights of people to live their lives with freedom and dignity but also protect against exploitation, violence and abuse.

Overview of the bill

To implement the recommendation of the parliamentary committee and consistent with the framework developed by the ministerial advisory panel, the Voluntary Assisted Dying Bill 2017 (the bill) provides for, and regulates access to, voluntary assisted dying for Victorian people at the end of their lives. The bill establishes a mechanism for adults with decision-making capacity, who are suffering from a serious and incurable condition at the end of their life, to be provided with assistance to die in certain circumstances, by means of self-administering a lethal dose of medication. It also establishes a new Voluntary Assisted Dying Review Board, to monitor and provide oversight in relation to the provision of voluntary assisted dying under the bill.

The framework established by the bill strikes an appropriate balance between ensuring all Victorians have access to high quality end-of-life care, consistent with their preferences, while requiring robust eligibility criteria for adults with decision-making capacity to protect against abuse, such as through undue influence or coercion. The framework includes a prescriptive, multi-stage assessment process with numerous safeguards and comprehensive oversight.

Recognising that some people have strong objections to voluntary assisted dying, the bill provides health practitioners with the right to conscientiously object to participating in a voluntary assisted dying process, and does not require practitioners to refer a patient who has requested access to voluntary assisted dying to another practitioner.

The objectives of the bill, and the balance struck between the rights of individuals who may want to access the scheme, their families, medical practitioners and staff who provide end-of-life care, and the wider community, are demonstrated by a number of principles set out in the bill. A person exercising a power or performing a function or duty under the bill must have regard to the following principles:

every human life has equal value;

a person's autonomy should be respected;

a person has the right to be supported in making informed decisions about the person's medical treatment, and should be given, in a manner the person understands, information about medical treatment options including comfort and palliative care;

every person approaching the end of life should be provided with quality care to minimise the person's suffering and maximise the person's quality of life;

a therapeutic relationship between a person and the person's health practitioner should, wherever possible, be supported and maintained;

individuals should be encouraged to openly discuss death and dying and an individual's preferences and values should be encouraged and promoted;

individuals should be supported in conversations with the individual's health practitioners, family and carers and the community about treatment and care preferences;

individuals are entitled to genuine choices regarding their treatment and care;

there is a need to protect individuals who may be subject to abuse; and

all persons, including health practitioners have the right to be shown respect for their culture, beliefs, values and personal characteristics.

Human rights issues

Right to life (section 9) and personal autonomy and dignity (sections 13(a) and 21(1))

Section 9 of the charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life.

The right to life is said to be an inherent and 'supreme' right, without which all other human rights would be devoid of meaning. However, despite the fundamental nature of the right, it is not absolute, meaning that it can be limited where justifiable. The right in section 9 of the charter includes an obligation on the government to refrain from conduct that results in the arbitrary deprivation of life, as well as a positive duty to introduce appropriate safeguards to minimise the risk of loss of life.

At international law, and in other countries including Canada, an assisted dying regime can be compatible with the right to life, provided that there are sufficient safeguards to prevent abuse of vulnerable people.

Both the parliamentary committee and the ministerial advisory panel examined models of voluntary assisted dying that exist in overseas jurisdictions and their reports reflect lessons learned from those jurisdictions for the voluntary assisted dying framework proposed for Victoria. The model for voluntary assisted dying contained in the bill is, comparatively, a very conservative model; but it is, in my view, the right model for Victoria. The bill provides a compassionate option for people who are suffering and are dying of a disease, illness or medical condition, but it is also safe, with effective protections for the person, health practitioners and the community.

The voluntary assisted dying framework provided under the bill is carefully and appropriately confined through stringent eligibility criteria, a multi-stage request and assessment process, and other strong safeguards to protect against potential abuse. Further, by enabling people's decisions at the end of their life to be given effect, the bill also recognises and promotes other important rights, such as the individual rights to liberty and security, and to dignity and autonomy (which form part of the charter's privacy right).

For the reasons set out below, I am satisfied that the bill does not limit the right to life. I acknowledge that others may take the view that the bill will limit the right to life, in which case, in my view, it would do so in a demonstrably justifiable way.

Eligibility criteria

Clause 9 of the bill sets out the eligibility criteria for accessing voluntary assisted dying. Under the bill, only adults with an incurable, advanced, progressive disease, illness or medical condition that is expected to cause death within 12 months and is causing suffering that cannot be relieved in a manner that is tolerable to the person will be able to access voluntary assisted dying. The person seeking to access voluntary assisted dying must be ordinarily resident in Victoria and either an Australian citizen or permanent resident, and must have decision-making capacity as defined in the bill. A person with a mental illness alone or a disability alone will not satisfy the eligibility criteria; however, a person with a mental illness or a disability who meets all the eligibility criteria will have the same opportunity as anyone else to request and be assessed for voluntary assisted dying.

The bill's voluntary assisted dying framework respects the informed and voluntary choice of a person with decision-making capacity from beginning to end. Only the person seeking to access voluntary assisted dying can make the request. No-one can request voluntary assisted dying on behalf of someone else and a health practitioner cannot initiate a discussion that is in substance about voluntary assisted dying, or, in substance, suggest voluntary assisted dying to their patients. Under clause 4 of the bill, decision-making capacity in relation to voluntary assisted dying means being able to do each of the following:

> understand the information relevant to the decision to access voluntary assisted dying and the effect of the decision;
>
> retain that information to the extent necessary to make the decision;
>
> use or weigh that information as part of the process of making the decision; and
>
> communicate the decision and the person's views and needs as to the decision in some way, including by speech, gestures and other means.

Clause 4 includes a presumption that a person has decision-making capacity unless there is evidence to the contrary, and sets out a number of other matters relevant to the assessment of whether or not a person has decision-making capacity. The bill requires that a person's decision-making capacity in relation to voluntary assisted dying to be reassessed throughout the request and assessment process.

Request and assessment process

Part 3 of the bill prescribes a rigorous, multi-stage request and assessment process for a person seeking to access voluntary assisted dying. A person must make three separate requests to access voluntary assisted dying. One of these requests must be in writing in the form of a 'written declaration', specifying that it is made voluntarily and without coercion and that the person understands the nature and effect of their declaration, and be signed by the person and two independent witnesses in the presence of the person's coordinating medical practitioner. If the person making the written declaration is unable to sign it, another person aged over 18 may sign it on that person's behalf, at their direction and in their presence, but in those circumstances the person who signs the declaration may not also witness the declaration. The person seeking to access voluntary assisted dying will need to make their final request at least nine days after the first request, unless the person's medical practitioners consider that the person's death will occur within nine days. A person who has requested access to voluntary assisted dying may decide at any time not to take any further step in relation to the process. As part of the process, they will appoint a contact person who will take responsibility for returning any unused or remaining medication.

The bill stipulates clear roles and responsibilities for medical practitioners involved. The person's 'coordinating medical practitioner' is responsible for receiving the initial request, conducting the first assessment, coordinating the process and

reporting to the Voluntary Assisted Dying Review Board. If the coordinating medical practitioner assesses the person as eligible, they must refer the person to another medical practitioner for a further assessment. That practitioner, if they accept the referral, becomes the 'consulting medical practitioner' and is responsible for conducting a second, independent assessment and reporting to the board.

Both assessing medical practitioners must assess that the person's request is voluntary, informed and continuing, and independently inform the person about all the care and treatment options available to them. Both medical practitioners need to be experienced practitioners, at least one must have relevant expertise and experience in the disease, illness or medical condition expected to cause the death of the person being assessed, and both must undertake further approved training before they are permitted to conduct assessments under the bill. If the person has completed the request and assessment process and is eligible, their coordinating medical practitioner may apply for a permit to prescribe the medication. The coordinating medical practitioner is responsible for certifying that all the steps have been completed. The Secretary to the Department of Health and Human Services (the secretary) will determine applications for permits. Once the permit is issued, only the coordinating medical practitioner can prescribe the medication. The person will be prescribed the medication which they can self-administer at a time of their choosing. They must keep the medication in a locked box for safe keeping. In very limited circumstances, when a person is physically unable to self-administer or digest the medication, the coordinating medical practitioner may administer the medication in the presence of an independent witness. However, in order for the medical practitioner to administer the substance in these limited circumstances, the person must still have decision-making capacity at the time of making the request, must be acting voluntarily and without coercion in making the request, and their request must be enduring.

Other legislative safeguards and oversight mechanisms

There is an extensive oversight framework in the bill to ensure compliance by health practitioners and continuous monitoring of medication. The Voluntary Assisted Dying Review Board, established under clause 92 of the bill, will receive reports from every health practitioner involved, the Department of Health and Human Services and the registrar of births, deaths and marriages (the registrar). The board's functions include ensuring compliance with the framework, and it will have the responsibility for identifying and referring any issues identified in relation to the provision of voluntary assisted dying, as relevant, to the Chief Commissioner of Police, the registrar, the secretary, the State Coroner and the Australian Health Practitioner Regulation Agency.

The board will monitor the use of any voluntary assisted dying substance dispensed in accordance with the bill to ensure that any unused or remaining substance is returned. The board will receive reports about the prescription, dispensation, and return of the medication, as well as the person's death.

The board must provide reports on matters relevant to its functions to the minister and the secretary upon request. For the first two years of the bill's operation, the board must also make reports on the operation of the bill for every six-month period, to be tabled in each house of Parliament. As an ongoing duty, the board must make an annual report on the operation of the bill for each financial year, which will also be tabled in Parliament. The board's regular reports may make recommendations on any systemic matter identified by the board, and may include any de-identified information of a person who has accessed or requested to access voluntary assisted dying under the bill during the relevant reporting period.

The Voluntary Assisted Dying Review Board's oversight functions and reporting obligations are key mechanisms to promote transparency and accountability on the operation of the voluntary assisted dying framework, and will enable it to identify trends and make recommendations for continuous improvement in the quality and safety of voluntary assisted dying in Victoria.

The bill also contains a number of offences with significant penalties to protect against abuse and ensure the integrity of the framework. These offences include:

an offence for a coordinating medical practitioner to administer a voluntary assisted dying substance to a person other than in accordance with a practitioner administration permit;

an offence for a person to knowingly administer to another person a voluntary assisted dying substance dispensed in accordance with a self-administration permit;

offences for inducing another person to request voluntary assisted dying, or inducing the self-administration of a voluntary assisted dying substance;

offences for falsifying forms or records, and for making false or misleading statements or reports.

Finally, the bill provides for mandatory and voluntary notifications to be made the Australian Health Practitioner Regulation Agency, in relation to any health practitioner who is believed on reasonable grounds to be acting outside of the legislative framework.

Promotion of personal autonomy and dignity

The right to privacy under section 13 of the charter recognises the need to respect and prevent the unlawful or arbitrary interference with a person's privacy. The fundamental values which the right to privacy protects include physical and psychological integrity, individual and social identity, and the autonomy and inherent dignity of the person. In my view, the bill promotes the right to privacy by allowing Victorians who are suffering at the end of their life, in very limited circumstances, to choose to end their life according to their own preferences.

Section 21(1) of the charter provides that every person has the right to liberty and security. The right to liberty and security of the person also encompasses the principle of autonomy. The Canadian Supreme Court has held that a prohibition on voluntary assisted dying contravened the right to life, liberty and security of the person, which were all taken to relate to autonomy and quality of life. The court found that denying a person the opportunity to determine the manner and timing of their death in response to serious pain and suffering impinged on their liberty and security.

Section 21(1) of the Victorian charter differs from the equivalent Canadian provision in that it does not include the word 'life'. It has been suggested by the Victorian courts that the right to security of person in section 21(1) may be broader than just physical freedom and is an instance of the human right to personal integrity or inviolability, which in turn is an expression of the bedrock value of human dignity. To the extent that the right to liberty and security in section 21(1) is relevant, the bill promotes this right by enhancing the ability of Victorians at the end of their life to make choices about the manner and timing of their death, consistent with their preferences and values (noting that the scope of the right to security, separate from the right to liberty, under section 21(2) of the charter has not been directly considered by the Victorian courts).

Under the bill, the entry on the register kept by the registrar of births, deaths and marriages about the death of a person who was the subject of a voluntary assisted dying permit will identify the underlying disease, illness or medical condition that was the grounds for a person accessing voluntary assisted dying as the cause of death. This is will protect the privacy of the person and their families by not disclosing that they accessed voluntary assisted dying. Further, this approach reflects the fact that the person would not be accessing voluntary assisted dying without the underlying condition that would inevitably cause their death in the immediate future, and is consistent with the fact that the person has not made a decision to end their life prematurely; rather, they have made a decision about the manner of their death.

In my opinion, the very limited circumstances in which voluntary assisted dying may be accessed, the careful balance of rights struck by the bill, and the numerous safeguards mean that any limit to right to life is demonstrably justified in a free and democratic society.

Privacy and reputation (section 13)

The privacy and reputation rights recognised in section 13 of the charter are also relevant to provisions of the bill that permit or require the use or disclosure of personal information. Under section 13, the right to privacy will be limited by an unlawful or arbitrary interference with a person's privacy, family, home or correspondence.

At various points during the request and assessment procedures under the bill, coordinating or consulting medical practitioners are required to provide information to the Voluntary Assisted Dying Review Board relating to the outcomes of the assessments, the final review and the administration of a substance in relation to persons requesting voluntary assisted dying. Once a person is assessed as eligible to access voluntary assisted dying, their coordinating medical practitioner must make an application to the secretary for a voluntary assisted dying permit, in order to prescribe the voluntary assisted dying substance. The secretary may refuse to issue a voluntary assisted dying permit, including if not satisfied that the request and assessment process has been completed as required by the bill. A pharmacist who dispenses a voluntary assisted dying substance must provide a form with the details related to that dispensing to the board, as well as a form when they dispose of a returned voluntary assisted dying substance. It is an offence under the bill for a person who is required under the bill to give a form to the board to fail to do so in accordance with the bill. The board may also request that any person (including a contact person) give to the board any information to assist the board in carrying out any of its functions.

Under clause 104 of the bill, the board may use and disclose any identifying information obtained as a result of the board performing a function or exercising a power, for the purpose of referring a matter to the Chief Commissioner of Police, the registrar, the secretary, the State Coroner and the Australian Health Practitioner Regulation Agency. However, the board must not refer a matter to one of those bodies unless the board reasonably believes the identifying information discloses a matter that is relevant to the functions and powers of that person or body.

Each of these processes which require or permit a person to provide information to the board or to the secretary, or which permit the board to provide information to a law enforcement or other body with relevant functions, will necessarily involve the sharing of detailed personal and medical information. The information may relate to the person requesting to access voluntary assisted dying as well as other individuals such as the person's nominated contact person, or a medical practitioner. As such, each of these processes constitutes a potential interference with privacy. However, I am satisfied that any interference will be both lawful and not arbitrary and therefore the right to privacy protected under the charter is not limited.

The provisions that require or facilitate the use or disclosure of information are clearly set out in the bill and appropriately circumscribed, having regard to the purposes for which the information will be collected and shared. In order to support the board's functions, it is essential that the bill enables it to collect and monitor information and data in relation to the requests for and accessing of voluntary assisted dying. It is also important that it can oversee the operation of the legislative framework directly, rather than having this data reported through another body. The board must have sufficient data and oversight to be certain of the overall safety and quality outcomes and to provide necessary assurance to the community that all providers are consistently providing high-quality care, as well as to fulfil its reporting requirements. Further, the board must be able to lawfully share relevant information with the Chief Commissioner of Police, the registrar, the secretary, the State Coroner and the Australian Health Practitioner Regulation Agency as required, where that information is relevant to their functions.

I am satisfied that the board's public reporting requirements discussed above do not limit the charter rights to privacy and reputation, as the bill only permits the inclusion of de-identified information of a person who has accessed or requested access to voluntary assisted dying under the bill. The board is also prohibited from including in those reports any information that would prejudice any criminal proceeding or investigation, civil proceeding, or any proceeding in the Coroner's Court.

Protection from cruel, inhuman or degrading treatment (section 10)

Section 10 of the charter provides that a person must not be subjected to torture, treated or punished in a cruel, inhuman or degrading way, or subjected to medical treatment without his or her full, free and informed consent.

In my view, the rights protected by section 10 are not engaged by the bill. However, arguments may be made as to their

relevance, and so I will briefly address certain aspects of the rights in this statement.

It may be argued that the deprivation of life amounts to inhuman or degrading treatment, if one considered the authorised termination of life as destroying the sanctity of life. This view would emphasise the importance of ensuring that requests are voluntary and decisions to access voluntary assisted dying are properly informed, each of which are key features of the bill.

On the other hand, it could be said that it is contrary to the protection against cruel, inhuman or degrading treatment not to recognise a person's autonomy and allow a safe and compassionate response for people who are dying and suffering, to choose the timing and manner of their death. On this view, the right in section 10(b) of the charter may be promoted by the bill.

In my opinion, the protection in section 10(c) of the charter against being subjected to medical treatment without consent is not relevant to the bill, given the bill's overwhelming emphasis on decision-making capacity, voluntariness and, in most cases, self-administration.

Freedom of thought, conscience, religion and belief (section 14)

Section 14 of the charter recognises the right of every person to freedom of thought, conscience, religion and belief. These rights encompass people's right to hold their own views and to express them. The right is grounded in the principles of personal autonomy and self-determination. It also acknowledges that people may live their lives in accordance with their beliefs and that the state should not arbitrarily interfere with the expression of people's beliefs.

The bill's provision for health practitioners to conscientiously object to participating in voluntary assisted dying recognises their right to freedom of thought, conscience, religion and belief. Clause 7 of the bill expressly provides that a registered health practitioner who has a conscientious objection to voluntary assisted dying has the right to refuse:

> to provide information about voluntary assisted dying;
>
> to participate in the request and assessment process;
>
> to apply for a voluntary assisted dying permit;
>
> to supply, prescribe or administer a voluntary assisted dying substance;
>
> to be present at the time of administration of a voluntary assisted dying substance;
>
> to dispense a prescription for a voluntary assisted dying substance.

Whilst the bill recognises health practitioners' rights, health practitioners should also recognise their patients' right to freedom of thought, conscience, religion and belief and should not allow their own beliefs to interfere with their patients' access to lawful medical treatment. Although the bill does not require a mandatory referral if a health practitioner has a conscientious objection, it is not intended that practitioners may use their conscientious objection to impede people's access to voluntary assisted dying.

For these reasons, I am of the opinion that the rights to freedom of thought, conscience, religion and belief are protected and promoted by the bill.

Equality rights (section 8) and the best interests of children (s 17(2))

Section 8(1) of the charter provides that every person has the right to recognition as a person before the law. Section 8(3) of the charter relevantly provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. Discrimination in relation to a person means discrimination within the meaning of the Equal Opportunity Act 2010 (EO act) on the basis of an attribute set out in section 6 of that act, including age, race and disability. Under the EO act, direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs if imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with an attribute; and that is not reasonable.

Eligibility criteria relating to age

Under the eligibility criteria in clause 9(1) of the bill, voluntary assisted dying may only be accessed by an individual who is aged 18 years or more. A child who is under 18 may meet all of the other eligibility criteria for voluntary assisted dying but will nevertheless be ineligible to access it. As such, the bill directly discriminates against persons who are under 18 on the basis of their age and, in doing so, constitutes a limit on the right to equality under the charter. However, I am of the opinion that, in the circumstances, the limitation imposed by this age-based eligibility criteria is demonstrably justified in accordance with section 7(2) of the charter. It can also be balanced against the protection of children as in their best interests under section 17(2) of the charter, due to the particular vulnerabilities of children, as discussed further below.

All people aged 18 years and over are presumed to have decision-making capacity to consent to medical treatment in Victoria. A person under 18 years may have decision-making capacity to make certain medical treatment decisions where they are able to understand the nature and consequences of the decision that needs to be made. Decision-making capacity under current Victorian law is decision-specific; while a person under 18 years may have decision-making capacity to consent to some medical treatment, this does not necessarily mean they have decision-making capacity to make decisions about medical treatment with more severe consequences.

A decision to access voluntary assisted dying is complex, requiring a person to have a well-developed capacity for abstract reasoning — a capacity that young people develop at different ages. Victorian law uses the age of 18 years to clearly identify the point at which people are generally deemed to have developed the necessary capacity to make important decisions about their life. I also note that the majority of feedback the ministerial advisory panel received about age limitations revealed strong support for a requirement that a person be 18 years and over to access voluntary assisted dying because it signals a level of maturity reflected in other responsibilities taken up by a person at the age of 18 years.

In my opinion, requiring a person to be at least 18 years to access voluntary assisted dying represents an appropriate safeguard by striking a balance between providing choice for adults who are at the end of their life, and protecting young people who do not have the appropriate level of maturity, capacity for abstract reasoning, or life experience to make the decision to access voluntary assisted dying. I acknowledge that age limits necessarily involve a degree of generalisation, without regard for the particular abilities, maturity or other qualities of individuals within that age group. In this bill, age is being used as a proxy measure of the maturity and capacity of an individual for abstract reasoning, which are necessary in this complex and most serious context. I consider that it is reasonable for Parliament to set an age limit reflecting its assessment of when most persons will have sufficient maturity to make a decision of this nature.

Section 17(2) of the charter provides that children are entitled to protection of their best interests. The application of the right to the protection of the best interests of children is not clear in the context of voluntary assisted dying because it depends on how the 'best interests' of the child are conceived. Some international jurisprudence suggests that it can be in a terminally ill child's best interests to withdraw medical treatment and allow them to die, but it is not clear when this point is reached and whether this could extend to causing the child's death. After careful consideration, as outlined above, the ministerial advisory panel recommended that only people aged 18 years and over should be able to access voluntary assisted dying, in recognition of the complexity of the decision to access voluntary assisted dying and the requisite capacity for mature thought and decision-making. As discussed above, it also recognises that children have the right to protection as is in their best interests, and access to the voluntary assisted dying framework in the bill might not be in their best interests due to their particular vulnerabilities. Equality of access to the framework must be balanced against protection of children, including from potential abuse. In light of the fundamental importance of individuals making their own decision under the bill's framework, I am satisfied that there is no less restrictive option available, such as enabling substitute decision-making by parents, to achieve this protective purpose.

Consequently, I consider that any limit on the right to equality that will occur due to the age criteria under the bill is reasonable, necessary and justifiable in a democratic society.

Eligibility criteria relating to citizenship status

Under the bill, only a person who is ordinarily resident in Victoria and either an Australian citizen or permanent resident may access assisted dying. The responsibility for determining whether a patient is a Victorian resident and Australian citizen or permanent resident lies with the coordinating and consulting medical practitioners.

Although citizenship or permanent residency status is not a protected attribute under the EO act, the attribute 'race' is in turn defined to include 'nationality or national origin'. Courts have considered that the term 'nationality' can be equivalent to citizenship, and the attributes in section 6 of the EO act include characteristics that 'a person with that attribute generally has'.

Although the requirement that a person requesting to access voluntary assisted dying be an Australian citizen or permanent resident may amount to discrimination on the ground of race, in the circumstances, I am of the view that any limit on the charter right to equality is demonstrably justified. This criterion is designed to ensure safety and prevent people coming from outside Victoria to obtain access to voluntary assisted dying, in circumstances where such persons are unlikely to have a therapeutic relationship with a Victorian medical practitioner.

Exclusions from access to voluntary assisted dying on grounds of mental illness or disability alone

Clauses 9(2) and 9(3) of the bill provide that a person is not eligible for access to voluntary assisted dying only because that person:

> is diagnosed with a mental illness, within the meaning of section 3 of the Mental Health Act 2014; or
>
> has a disability, within the meaning of section 3(1) of the Disability Act 2006.

These provisions confirm that, under the bill, having a mental illness or a having disability alone will not satisfy the eligibility criteria for access to voluntary assisted dying. However, having a mental illness or a disability will not exclude a person from accessing voluntary assisted dying if they meet all of the eligibility criteria in clause 9(1), including that they have been diagnosed an incurable disease, illness or medical condition that is advanced, progressive and will cause death.

Accordingly, clauses 9(2) and 9(3) the bill do not treat persons diagnosed with a mental illness or who have a disability unfavourably; any individual who meets the eligibility criteria in clause 9(1), whether or not they also have a mental illness or disability, will have the same opportunity as other members of the community to access voluntary assisted dying under the bill. These provisions, therefore, do not limit the right to equality.

Requirement for decision-making capacity

The bill requires that individuals seeking to access voluntary assisted dying must be assessed as having decision-making capacity in relation to a decision to access voluntary assisted dying. Although this may appear to constitute a requirement that has, or is likely to have, the effect of disadvantaging persons with certain disabilities, in my opinion the requirement that persons requesting access to voluntary assisted dying have decision-making capacity does not constitute indirect discrimination, because the requirement is reasonable in the circumstances.

The parliamentary committee recommended that voluntary assisted dying be accessible only to people who have decision-making capacity about their own medical treatment, a recommendation that was supported by the ministerial advisory panel. The bill's multi-stage assessment process ensures there are mandated points at which a person is given the opportunity to review and reflect on their decision to access voluntary assisted dying, which will enable medical practitioners to reassess a person's decision-making capacity and confirm they still want to proceed with voluntary assisted dying. The requirement for decision-making capacity is fundamental to ensuring a person's decision to access voluntary assisted dying is their own, is voluntary, and is not the product of undue influence or coercion.

Given the fundamental importance of the assessment of a person's decision-making capacity for accessing voluntary

assisted dying, the bill provides for oversight and an appropriate avenue of review of a decision as to whether a person has decision-making capacity. It facilitates referral for a specialist opinion where a medical practitioner is unable to determine whether the person has decision-making capacity, and also provides for VCAT to review a decision of an assessing medical practitioner that a person does, or does not, have decision-making capacity.

For the above reasons, I am of the opinion that the right to equality in section 8 of the charter is not limited by clauses 9(2) and 9(3) of the bill, nor by the requirement that a person requesting access to voluntary assisted dying have decision-making capacity.

Presumption of innocence (section 25(1))

Section 25(1) provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. This right may be relevant to clause 91 of the bill which provides for the deemed criminal liability for officers of bodies corporate for a failure to exercise due diligence.

Under clause 91, if a body corporate commits an offence against specified provisions, an officer of the body corporate also commits that offence if the officer failed to exercise due diligence to prevent the commission of the offence by the body corporate. As such, the provision may operate to deem as 'fact' that an individual has committed an offence for the actions of the body corporate.

A person who elects to undertake a position as officer of a body corporate accepts that they will be subject to certain requirements and duties in participating in these regulated industries, including a duty to ensure the body corporate does not commit offences under the relevant acts. In my view, this provision does not limit the right to presumption of innocence as the prosecution is still required to prove that the officer failed to exercise due diligence to prevent commission of the offence. In determining whether or not an officer failed to exercise due diligence, a court may have regard to a number of factors, including the knowledge of the officer, the officer's position of influence on the body corporate and what steps the officer took to prevent the commission of the offence by the body corporate. Accordingly, the burden of proving the main element of the offence, which is the 'failure' to exercise due diligence, remains on the prosecution. Even if the right was limited, courts in other jurisdictions have held that protections on the presumption of innocence may be subject to limits particularly in the context of compliance offences in regulated industries or professions. Accordingly, I am of the view that these provisions are compatible with the charter's right to the presumption of innocence, in light of the special responsibilities attached to officers of a body corporate operating in a regulated environment in which persons choose to participate.

Conclusion

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Hon. Jill Hennessy, MP
Minister for Health

Second reading

Ms HENNESSY (Minister for Health) — I move:

That this bill be now read a second time.

Far too many Victorians have suffered too much and for too long at the end of their lives.

Talking about death is a challenging and confronting issue. For too long end-of-life issues have been in the too hard basket. This needs to change. Improving policy and community awareness about the end of life, and death, are essential if we are to improve Victorians' choices about how and where they experience both.

Encouragingly, in recent years, Victoria has been leading the way on end-of-life issues — talking about them, and putting in place reforms for improved choices and better services.

In consulting the community about these reforms, the evidence is clear that we have not been providing enough Victorians with the genuine choices they need, in line with their preferences, to have a good end of life and death.

For a small number of people at the end of their life, having a personal choice may mean having control over the timing and manner of their impending death to alleviate suffering they can no longer tolerate. The Voluntary Assisted Dying Bill 2017 balances a compassionate outcome for these people at the end of their lives who are suffering, and providing community protection through the establishment of robust safeguards and comprehensive oversight.

The Legislative Council's Standing Committee on Legal and Social Issues undertook a comprehensive inquiry into end-of-life choices. The committee received a great deal of evidence about the pain and suffering being experienced in the community today. It heard harrowing stories of many Victorians taking their own lives in painful, lonely and unacceptable ways. Evidence from the coroner indicated that one terminally ill Victorian was taking their life each week. This evidence resulted in one of the key recommendations of the parliamentary committee report, which was that Victoria should legalise voluntary assisted dying.

The parliamentary committee identified appropriate restrictions for the introduction of voluntary assisted dying in Victoria. This choice of voluntary assisted dying should only be implemented within the context of existing care options available to people at the end of their life. Voluntary assisted dying is not a substitute for

palliative care, and will not preclude access to the high standards of palliative care enjoyed by Victorians.

I appointed a ministerial advisory panel to develop the detail of a voluntary assisted dying framework for Victoria and to ensure that it would be a safe, compassionate and workable one. The ministerial advisory panel has combined its considerable expertise with extensive consultation with stakeholders across Victoria to ensure legislation could be effectively and safely implemented. I commend the ministerial advisory panel for their considered recommendations and their comprehensive report. The Voluntary Assisted Dying Bill will give effect to the ministerial advisory panel's recommendations for a safe and compassionate legislative framework.

Making a decision about the timing and manner of one's death may be an immensely personal and private decision or it may be a decision that is openly shared and discussed with family, friends and community. What is important is that the decision is the person's own decision, based on their own values and beliefs. This bill recognises that some people may prefer to choose to hasten their impending death, rather than continue to endure suffering that has become intolerable to them. The bill only allows the person themselves to make the decision to access voluntary assisted dying, and there are strong safeguards in place to ensure the decision is the person's own, and that it is voluntary, informed and enduring.

The bill will provide a small number of people in very limited circumstances an additional choice about the timing and manner of their death. For many more people, just knowing this option is available if they are confronted with such circumstances will provide them with comfort. Some may choose to access voluntary assisted dying but ultimately not administer the substance because they feel a greater sense of control. The vast majority of Victorians will never want or choose to access voluntary assisted dying.

It is important to recognise that most people at the end of their life will be cared for by our excellent palliative care services. In 2016–17 across Victoria 17 000 people and their families and carers were supported in their homes by specialist palliative care. Palliative care in Victoria is first class and palliative care services in Australia have been assessed as one of the world's best over many years.

But we know that for some people at the end of their life palliative care cannot ease their pain and suffering. This bill focuses on providing genuine choice to this small number of people who are at the end of their life and who are suffering with no hope of recovery or relief.

Voluntary assisted dying should never be seen as an inevitable extension of palliative care. But I also believe that voluntary assisted dying and palliative care are not mutually exclusive options. The experience in North America shows that between 80 per cent to 90 per cent of people who access voluntary assisted dying are supported by palliative care. While palliative care practitioners will be able to conscientiously object to providing voluntary assisted dying, I am confident that palliative care services will continue to provide expert palliative care and support based on the needs of the person, not on the personal choices they may make about their end of life.

Palliative care responds to the needs of people and their families facing problems associated with life-threatening illnesses, regardless of how close a person is to death. Victoria's end-of-life and palliative care framework commits government to strengthening the palliative care sector and ensuring that all providers across health, community and social care sectors take responsibility for delivering high-quality end-of-life care.

Victorians are already provided with high-quality palliative care. Significant additional funding has been provided in recent years, and the government is committed to further investing in and improving palliative care services. Voluntary assisted dying is not an alternative to palliative care and, if the bill is passed, every Victorian will remain entitled to high-quality palliative care. The request and assessment process in the bill, which clearly requires medical practitioners to discuss palliative care options, will also ensure that people will never turn to voluntary assisted dying because they have not been provided with other options, including palliative care.

The bill recognises that people are entitled to have different values and beliefs and that these should never be imposed on others. Just as it will be a matter for an eligible person whether or not they access voluntary assisted dying, health practitioners will also be able to determine the extent of their involvement in voluntary assisted dying. Given the small number of people who will be eligible, the bill will not affect the practice of most health practitioners. In the limited circumstances where it does, a health practitioner may choose to conscientiously object to participating in any part of the process. While some organisations may opt not to provide voluntary assisted dying, it is expected that they will continue to support all of their patients by providing access to high-quality healthcare services.

This bill is uniquely Victorian and has been developed recognising the diversity of Victorians. This includes Victorians who live in regional and rural areas, those from different cultural backgrounds, and those who use different forms of communication. In recognising our strong Victorian values, the bill also includes a set of principles that establish a sound framework for its operation. These principles recognise the value of every human life, respect for autonomy and a person's preferences, choices and values, and the provision of high-quality care. In keeping with these principles, the therapeutic relationship should be supported and the role of the person's family, friends and carers acknowledged.

The bill sets out when a person may access voluntary assisted dying. The decision to access voluntary assisted dying must always be made by the person themselves. The framework established by the bill will ensure that only those making voluntary, informed and enduring decisions will be able to request and access voluntary assisted dying.

Criteria for access to voluntary assisted dying

The Voluntary Assisted Dying Bill sets out clear parameters that will only allow people to access voluntary assisted dying in very limited circumstances. Health practitioners must not initiate a discussion about voluntary assisted dying or suggest voluntary assisted dying to a patient when they are providing them with a health service or professional care service. This includes providing people with written materials if the person has not initiated a discussion or requested information. This will ensure health practitioners do not pressure or inadvertently encourage a person to access voluntary assisted dying.

In order to be eligible to access voluntary assisted dying, a person will need to be an adult, an Australian citizen or permanent resident who is ordinarily resident in Victoria and they must have decision-making capacity in relation to voluntary assisted dying. The person must also be diagnosed with an incurable disease, illness or medical condition that is advanced, progressive and will cause death. The disease, illness or medical condition must be expected to cause death within weeks or months, not exceeding 12 months. The defined 12-month limit provides clarity for medical practitioners and the community and is consistent with Victorian practice in defining the end of life. The disease, illness or medical condition must also be causing suffering that cannot be relieved in a manner the person considers tolerable. The extent to which the person's suffering may be relieved or is tolerable will always be a matter for the person to determine themselves. This is because suffering is subjective and cannot be assessed by others. All of the criteria must be met for a person to be eligible.

For the avoidance of doubt, the bill explicitly provides that mental illness only will not meet the eligibility criteria. Similarly, disability only will not satisfy the eligibility criteria. While disability may be caused by, or be a symptom of, a disease, illness or medical condition, disability itself will not constitute a disease, illness or medical condition. For example, a person with motor neurone disease may have a range of disabilities that are a result of their disease. These disabilities are not the reason the person may be eligible. The motor neurone disease, which is a disease that will cause death, is what would make the person eligible.

If a person with mental illness or disability satisfies all of the eligibility criteria because of another disease, illness or medical condition, they may be eligible for voluntary assisted dying. This recognises that people with mental illness or disability should not be discriminated against and if they fulfil all of the other eligibility criteria, they should not be excluded just because of their mental illness or disability.

The bill clearly sets out that a person must have decision-making capacity in relation to voluntary assisted dying and that they must make their request personally. A person will not be able to request voluntary assisted dying in an advance care directive, and if this request is made it will be invalid. Likewise, no-one else will be able to make a request on behalf of someone else — not a medical treatment decision-maker, or a family member or carer. The eligibility criteria will prevent many people who want to access voluntary assisted dying from doing so. This includes those who may want to make the request in advance of losing decision-making capacity, and those who have dementia. This is because having decision-making capacity throughout the entire process is an important safeguard in ensuring that a person's decision is voluntary, informed and enduring.

To support the diversity of Victorians, the bill also allows for the person to receive the assistance of an accredited independent interpreter in accessing voluntary assisted dying.

Request and assessment process

The bill sets out a clear and rigorous request and assessment process to provide clarity about the obligations for health practitioners who choose to be involved. The process also incorporates strong

safeguards at each step to protect those who may be vulnerable to abuse.

The bill recognises that a request for information about voluntary assisted dying should not commence the request and assessment process. A person is likely to approach a health practitioner they know and trust to seek information about voluntary assisted dying and this discussion should occur as part of a broader discussion about the person's goals, care needs and treatment options. In this way existing therapeutic relationships are supported and the person is able to consider the information without feeling pressured to continue.

A person must make a clear and unambiguous request to a medical practitioner to access voluntary assisted dying. A person may withdraw from the process at any time. If a person decides not to continue, they may subsequently decide they want to request voluntary assisted dying but they will need to commence the request and assessment process from the beginning again.

Upon receiving a request, a medical practitioner must determine and inform the person whether they will accept or refuse the request within seven days. The medical practitioner may conscientiously object to participating or may choose not to accept the role because they do not meet the minimum requirements or would not be able to perform the duties. A medical practitioner must inform the person why they are not accepting the role of coordinating medical practitioner as it is important for the person to know the reason for that choice.

The coordinating medical practitioner must conduct a first assessment and determine whether the person meets all of the eligibility criteria. If the coordinating medical practitioner assesses that the person does not meet any one of the eligibility criteria the request and assessment process will end. If the coordinating medical practitioner assesses the person as eligible, they must refer the person to another medical practitioner for a further independent assessment. If this practitioner accepts the referral, they will become the consulting medical practitioner. The consulting medical practitioner undertakes their own independent assessment of the person's eligibility. If either practitioner is unable to determine whether the person has decision-making capacity, or whether the person's disease, illness or medical condition meets the eligibility criteria, they must refer the person to an appropriate specialist practitioner.

Both the coordinating and consulting medical practitioners must be fellows of a specialist medical college. This means both medical practitioners will have considerable training and experience. Prior to the first time they conduct an assessment, both the coordinating medical practitioner and the consulting medical practitioner must have completed training approved by the Secretary of the Department of Health and Human Services. The training will ensure that the participating medical practitioners understand their obligations under the bill and receive further training in making assessments about decision-making capacity, including training in identifying and assessing the risk factors associated with abuse or coercion. In addition, the bill requires that either the coordinating or consulting medical practitioner must have at least five years of experience post-fellowship and that one of the practitioners must have relevant expertise and experience in the person's disease, illness or medical condition.

Both the coordinating and consulting medical practitioners will be required to fully inform the person about all of the available treatment and palliative care options. This will ensure the person is able to make a properly informed decision. Both practitioners must be satisfied that the person understands the information, that they are acting voluntarily and without coercion, and that their request is enduring. Both practitioners must notify the Voluntary Assisted Dying Review Board of the outcome of their assessment.

If the consulting medical practitioner assesses the person as ineligible, they may not access voluntary assisted dying. If the person and their coordinating medical practitioner decide they would like another opinion, they may undertake the consulting assessment process again with another consulting medical practitioner. It is standard medical practice to seek a second opinion and there is no reason to prevent this in voluntary assisted dying as it supports patient choice. The Voluntary Assisted Dying Review Board will review each assessment and will identify any instances of 'doctor shopping' and potential inconsistencies in assessments.

If the consulting medical practitioner assesses the person as eligible, the person will make a written declaration. The written declaration will be a formal record of the voluntary and enduring nature of the person's request to access voluntary assisted dying. The written declaration will need to be witnessed by two people who are not involved in providing health services or professional care services to the person and who would not materially benefit from the person's death. The written declaration must be signed in the presence of the coordinating medical practitioner.

Once a person has completed their written declaration, they may make their final request. The final request may only be made after a period of at least 10 days has

passed since the first request. This will ensure that the person has had sufficient time to consider their decision. The only exception to this requirement is if the coordinating medical practitioner is of the view that the person will die within 10 days of making their first request. If this assessment is consistent with the prognosis of the consulting medical practitioner, the requirement may be waived. In all instances, a final request cannot be made on the same day that the second assessment is completed.

As an additional safeguard to monitor the voluntary assisted dying substance, the person must also appoint a contact person. The contact person will be responsible for returning the voluntary assisted dying substance if it is not used and will also be a point of contact for the Voluntary Assisted Dying Review Board.

Following the final request, the coordinating medical practitioner must undertake a final review to complete the process and provide copies of all forms and assessments to the board. This process does not require the coordinating medical practitioner to conduct any further assessments of the person; instead they must check that each procedural step has occurred.

If the request and assessment process has been complied with, the medical practitioner may apply to the secretary of the Department of Health and Human Services for a permit. There are two forms of permit: a self-administration permit and a medical practitioner administration permit. The secretary may issue a permit if they are satisfied that the process has been complied with. The permit will only authorise administration through the method specified.

If the person is physically able to self-administer the voluntary assisted dying substance, the coordinating medical practitioner must apply for a self-administration permit. Once the coordinating medical practitioner has obtained a self-administration permit they may prescribe the voluntary assisted dying substance. When presented with an authorised prescription, a pharmacist may dispense the voluntary assisted dying substance and will report this to the Voluntary Assisted Dying Review Board. The pharmacist must label the voluntary assisted dying substance and must provide information about the substance and their obligations to safely store it. The person must store the voluntary assisted dying substance in a locked box. The person will be free to self-administer the substance at a time of their choosing.

In the rare circumstances where the person is not physically able to self-administer or digest the voluntary assisted dying substance, the coordinating medical practitioner may apply for a practitioner administration permit. This provision has been included to ensure that the bill does not discriminate against those who are not physically able to self-administer and includes additional safeguards. It is the responsibility of the coordinating medical practitioner to determine whether the person is physically able to self-administer or digest the voluntary assisted dying substance. Only the coordinating medical practitioner may apply for a practitioner administration permit and provide the medication in accordance with this.

If the coordinating medical practitioner obtains a self-administration permit and the person subsequently loses the physical capacity to self-administer or digest the voluntary assisted dying substance, the coordinating medical practitioner will need to apply for a practitioner administration permit. Before applying for this permit, the coordinating medical practitioner will need to be satisfied that any previously prescribed substance or prescription has been returned. If a person loses the physical capability to self-administer or digest the substance, they will need to return to their coordinating medical practitioner if they want to proceed, because no other person is authorised to administer the voluntary assisted dying substance.

If the coordinating medical practitioner has obtained a practitioner administration permit, the person may request that the coordinating medical practitioner administer the voluntary assisted dying substance. The person must determine when this occurs. As a further safeguard the coordinating medical practitioner may only administer the voluntary assisted dying substance in the presence of a witness who is independent of the coordinating medical practitioner. The coordinating medical practitioner and the witness must certify that the person appeared to have decision-making capacity in relation to voluntary assisted dying and that they were acting voluntarily.

To ensure all deaths under the legislation are identified, after a person has died the medical practitioner who notifies the registrar of births, deaths and marriages of the person's death must notify if they are aware the person has been prescribed the voluntary assisted dying substance or if the person has self-administered or been administered the voluntary assisted dying substance. This information is provided to the Voluntary Assisted Dying Review Board.

Any unused voluntary assisted dying substance that has not been self-administered by the person must be returned to the pharmacist by the contact person within one month of the notification of the person's death. The pharmacist will report the return of the substance to the Voluntary Assisted Dying Review Board. These

measures will support the safe monitoring of the voluntary assisted dying substance in the community and ensure clear accountability for the return of any unused voluntary assisted dying substances.

Protections and offences

The bill provides protection from both criminal and civil liability to those who act in accordance with the bill. There are specific immunities for medical practitioners undertaking roles in accordance with the bill, as well as other health practitioners including pharmacists and people who provide assistance to those accessing voluntary assisted dying.

The bill includes a number of specific offences that relate to the voluntary assisted dying framework. These offences address particular risks that may arise as a result of the legislation, such as the misuse of a voluntary assisted dying substance. Existing criminal offences will continue to apply to those acting outside the legislation, for example to those who misuse medications that are not prescribed in accordance with the legislation.

The bill creates an offence for a coordinating medical practitioner to knowingly administer a voluntary assisted dying substance other than in accordance with a practitioner administration permit if they intend to cause death. This offence will require the coordinating medical practitioner to act in accordance with the requirements of the permit and ensure, for example, that the person has decision-making capacity and is acting voluntarily.

There is also an offence for anyone other than the person themselves to knowingly administer a voluntary assisted dying substance dispensed under a self-administration permit. These new offences provide a clear deterrent and ensure that there are strong penalties for anyone who intentionally misuses medications prescribed under the bill.

The bill also creates offences of inducing another person to request voluntary assisted dying or to self-administer a voluntary assisted dying substance. A decision to access voluntary assisted dying must always be the person's own decision, and any undue influence or dishonesty to induce a person will be criminal.

The bill also creates offences to falsify forms or records or to make false statements or reports that are required under the bill. These offences will ensure accurate records are available for review by the Voluntary Assisted Dying Review Board. It will also be an offence to fail to provide forms to the board within seven days of completing the form.

Voluntary Assisted Dying Review Board

The bill will establish the Voluntary Assisted Dying Review Board. The board will be responsible for monitoring voluntary assisted dying activity under the legislation. This will include receiving reporting forms and reviewing each request and assessment to access voluntary assisted dying. The coordinating medical practitioner, the consulting medical practitioner, the dispensing pharmacist, the Department of Health and Human Services and the registrar of births, deaths and marriages will all provide separate information to the board at several points throughout the process. Receiving reports from these five independent sources will support the board in its comprehensive oversight of the operation of the bill. The board will also use this information to improve the quality of the voluntary assisted dying experience and practice.

The board will ensure transparency through annual reporting to Parliament, and six-monthly reporting to Parliament in the first two years. This will allow the public to be fully informed about the number of people accessing voluntary assisted dying and the reasons for access.

If the board identifies wrongdoing, or potential wrongdoing, it will be required to refer the matter to the relevant body. This may be the Chief Commissioner of Police, the secretary, the State Coroner, or the Australian Health Practitioner Regulation Agency.

Consequential amendments

The bill recognises that only people who are already dying may access voluntary assisted dying, and as such, their death should not be treated as unexpected or avoidable. For this reason, a voluntary assisted dying death will not be a 'reportable death' under the Coroners Act 2008. This will not preclude the coroner from investigating a death, but this will not be an automatic requirement.

As people may only access voluntary assisted dying if they are suffering from a disease, illness or medical condition that will cause death, this disease, illness or medical condition should be recorded as their cause of death. The Births, Deaths and Marriages Act 1996 will be amended to require that the disease, illness or medical condition be recorded as the cause of death in the register. That act will also be amended to require the registrar of births, deaths and marriages to notify the board that the person was prescribed, self-administered, or administered the voluntary assisted dying substance.

The bill amends the Drugs, Poisons and Controlled Substances Act 1981 to recognise the bill and the legal use of drugs in accordance with the bill.

The bill also amends the Health Records Act 2001 to recognise that voluntary assisted dying activity under the bill will be a health service, for the purposes of the Health Records Act. This will ensure that the health privacy principles apply to information collected when health practitioners perform activities under the bill.

The bill amends the Medical Treatment Planning and Decisions Act 2016 to make it clear that a person may not make a statement in an advance care directive about voluntary assisted dying. For the avoidance of doubt, it also provides that a medical treatment decision-maker cannot make a decision about voluntary assisted dying.

The bill amends the Pharmacy Regulation Act 2010 to recognise the bill and to authorise disclosure in accordance with the bill.

The commencement of the bill will allow for an extended implementation period to provide adequate time for planning and establishment of the necessary reporting, practical and clinical practices to support the operation of a voluntary assisted dying framework.

This bill establishes a safe and compassionate framework to give Victorians who are suffering the ability to choose the timing and manner of their death. The bill provides a rigorous process with safeguards embedded at every step to ensure that only those who meet the eligibility criteria and who are making an informed, voluntary and enduring decision will be able to access voluntary assisted dying. The clear and considered details reflected in this bill will provide the Victorian community with the confidence that voluntary assisted dying can be safely provided to give Victorians genuine choice at the end of their lives.

I commend the bill to the house.

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

Debate adjourned until Tuesday, 17 October.

FIREARMS AMENDMENT BILL 2017

Statement of compatibility

Ms NEVILLE (Minister for Police) 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 Firearms Amendment Bill 2017 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is partially incompatible with the right to privacy, and the right of children to such protection as is in his or her best interests as set out in the charter. Nevertheless, I consider that it is appropriate to proceed with these amendments in order to protect the community from the risk of harm associated with firearm-related offending. I base my opinion on the reasons outlined in this statement.

Overview

Overview of the bill

The bill relevantly amends the Firearms Act 1996 (the act) to provide for a new firearm prohibition order (FPO) scheme. It also creates offences for possessing, carrying and using firearms in public places and other places, and for possession of parts and equipment for the purpose of manufacturing firearms. Further, it provides for trafficable quantities of unregistered firearms and other minor and related matters.

A FPO is a discretionary order made by the Chief Commissioner of Police prohibiting an individual from acquiring, possessing, carrying or using any firearm or related item. The chief commissioner may make an order only if satisfied that it is in the public interest that the person who will be subject to the FPO not acquire, possess, carry or use a firearm or firearm-related item.

After a FPO has been made, a person subject to a FPO will then be subject to various powers and offence provisions under the act for the period of the order. The search powers associated with a FPO allow a police officer to, without warrant or consent, enter and search the premises of the person subject to the FPO and to search any vehicle, vessel or aircraft that is in the charge of the person subject to the FPO or where they are a passenger thereof. A person subject to a FPO can also be searched by a police officer, and can be detained as long as necessary in order for the search to be conducted. Persons accompanying the person subject to the FPO can also be searched, in line with the act's existing warrantless search powers.

Children aged over 14 years of age can be subject to a FPO.

The current powers in the act and the necessity for the FPO Scheme

Currently, the act provides for a number of mechanisms to prevent firearm-related crime, including a 'prohibited persons' scheme, which can be summarised as applying to a class of persons with either a history of conviction and imprisonment for serious crime, or who are the subject of an intervention order. The act prohibits a 'prohibited person' from possessing, carrying or using a firearm, and subjects a prohibited person to higher penalties (as compared to non-prohibited persons committing similar firearm-related offences) for contravention of this prohibition.

Firearms crime, particularly in the context of serious and organised crime groups, represents a serious threat to community safety. There is clear evidence of an increase in firearm-related violence across Victoria, with crime statistics illustrating a significant rise in various offending that involves the use of firearms. Of significant concern is the level of 'drive-by' shootings, referring to the discharge of firearms in

public places frequented by the public (such as shopping centres, parks and residential streets) and non-fatal shootings, often linked to these organised crime groups, with Victoria Police data indicating that drive-by shootings have risen from 27 non-fatal shootings in 2014, to 67 in 2016 and already 47 to date in 2017. Additionally, I am advised that at-risk persons in the counter terrorism context have been actively seeking firearms to execute their criminal activities.

Further, recent seizures of illicit firearms in Victoria also reveal an increase in the proliferation of illicit firearms in Victoria. The Australian Criminal Intelligence Commission reported that there has been a rise in illegal importation of undeclared firearms and particularly firearms parts into Australia. Offenders are developing more sophisticated methods of obtaining or creating firearms, using new technology and the mail system to import illegal firearm parts and accessories.

Consequently, based on advice from Victoria Police, in my opinion, the existing mechanisms and powers in the act do not provide Victoria Police with sufficient powers to protect the community from the risk of harm associated with this type of firearm-related offending. The 'prohibited person' scheme operates 'after the event' and relies on a person's criminal convictions or an intervention order against them. It does not address individuals who are not 'prohibited', but are still of significant concern to police in relation to their risk of firearms related offending.

The new FPO scheme introduced by the bill, will operate in tandem with the current 'prohibited person' scheme. It creates a new mechanism and increased police powers for proactively responding to and preventing this type of firearm-related crime. FPOs are intended to be used by Victoria Police in relation to persons where sufficient intelligence or information holdings exist to indicate that it is contrary to the public interest for that person to possess a firearm. This includes those engaged in serious criminal activities, such as organised crime members and their associates, anyone charged with a prohibited firearms-related offence, or people on bail for a firearms offence.

Other jurisdictions, such as New South Wales and South Australia, have implemented similar schemes to target firearm violence in those states. These schemes have proven successful, with their operation credited with reductions in organised crime related shootings and firearm-related violence.

Human rights issues

Clause 22 of the bill inserts the new FPO scheme into the act, which raises a number of human rights issues.

Nature of FPO orders

New division 3 provides for the making of FPOs. New section 112D provides that the chief commissioner may make an order prohibiting an individual from acquiring, possessing, carrying or using any firearm or related item. New section 112E provides that the chief commissioner may make a FPO in respect of an individual only if the chief commissioner is satisfied that it is in the public interest to do so because of any one or more of the following:

the criminal history of the individual;

the behaviour of the individual;

the people with whom the individual associates;

that the individual may pose a threat or risk to public safety.

The chief commissioner cannot make a FPO in relation to a person who is under 14 years of age. The power to make a FPO may be delegated to Deputy and Assistant commissioners, persons employed by the chief commissioner at an executive level in the Victorian public service, commanders, chief superintendents and select superintendents.

A FPO remains in force for 10 years from the day on which it is served on the individual (or, if the individual is under the age of 18 years when served with the FPO, remains in force for five years from the day on which it is served). A FPO may be revoked at any point by the chief commissioner.

New division 2 of part 4A provides for the key FPO offences, which make it an offence, after being personally served with the order, to acquire, possess, carry or use a firearm or firearm-related item, or enable or permit another person to do so. These offences carry significant maximum penalties of imprisonment. New division 5 provides for further offences, including an offence for a person subject to a FPO to enter or remain on certain premises, or to fail to surrender firearms or firearm-related items when served with a FPO.

New division 5 also provides for new search powers in relation to premises, vehicles, persons subject to a FPO and accompanying persons, and resulting seizure powers relating to firearms or firearm-related items discovered under the powers.

Clause 30 inserts new part 10A into the act, which provides for oversight arrangements in relation to reporting and monitoring on the use of FPOs.

The making of FPOs

A FPO is made by the chief commissioner or delegate (as identified above) at their own discretion, subject the chief commissioner being satisfied that the making of the order is in the public interest in accordance with new s 112E. The bill does not require that a person be given advance notice of the decision or an opportunity to be heard prior to the FPO being made. A FPO must be personally served on the individual to whom it applies, and it then has immediate effect upon service.

Upon being served with a FPO, an individual may apply within 28 days to the Victorian Civil and Administrative Tribunal (VCAT) for a merits review of the chief commissioner's decision to make the order, to be conducted under the Victorian Civil and Administrative Tribunal Act 1998 (VCAT act). In making a decision on review, VCAT will require access to all information and material on which the decision to make the FPO was based, and other relevant information and material. New section 112M provides an individual subject to a FPO an additional right to apply for review of the FPO at the point in time where more than half the duration of the order has expired (which is after five years have elapsed in respect of an adult subject to a FPO, or after two and a half years in respect of a child subject to a FPO). This right to further review may only be exercised once in respect of an order (regardless of whether an individual exercised their initial right to seek review within 28 days).

New s 112N also clarifies the interaction between the FPO scheme and VCAT's procedural provisions relating to

matters of Crown privilege. In relation to material on which a decision to make a FPO is before VCAT on review, the Attorney-General may issue a Crown privilege certificate over that material if its disclosure would be contrary to the public interest. The grounds for giving a certificate are the same as public interest immunity. The effect of such a certificate includes:

> preventing such information from being provided in any statement of reasons given by the chief commissioner (s 46(4)(b) of the VCAT act);
>
> preventing such information from being disclosed by VCAT to any person other than the member presiding over the review (s 53(2)(a) of the VCAT act); and
>
> excusing any witness giving evidence at review from answering any question that would involve disclosure of that information unless ordered to do so by the president of VCAT if the president considers that it would not be contrary to the public interests for the witness to answer the question (s 55 of the VCAT act).

The practical effect of the above procedural framework is that where the material upon which a decision to make a FPO is based on confidential police intelligence information, it is likely that Crown privilege will be relied on in relation to that information, limiting the amount of information that can be disclosed to a person as to why they have been made subject to a FPO. Alternatively, the chief commissioner will be able to seek orders from VCAT to maintain the confidentiality of the information.

The right to fair hearing (s 24)

Section 24 of the charter provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial tribunal after a fair and public hearing.

The right to a fair hearing is an overarching concept that encompasses a bundle of diverse rights. This includes the right to natural justice, which requires that, prior to a decision being made that will affect a person's rights or interests, that the person be informed of the case against them and be given an opportunity to be heard (also known as the 'hearing rule'). The right also encompasses the related principle of equality of arms, which means the right of a party to know the case against it, to have access to documents or information that are necessary for a fair hearing, and to have a reasonable opportunity to put its case under conditions which do not place that party at a substantial disadvantage in relation to their opponent.

The decision of the chief commissioner

While the authorities have interpreted 'civil proceeding' in section 24(1) broadly, it does not extend to the kind of administrative decision-making that will be undertaken by the chief commissioner. Accordingly, I do not consider that the fair hearing right will be limited by the chief commissioner's (or delegate's) making of a FPO. However, not affording a fair hearing at the initial stage of making a FPO may have implications for other rights protected by the charter, such as the right to protection against arbitrary interferences with privacy. I note that the chief commissioner and any delegates, who are public authorities under the charter, will be required under s 38 of the charter to give proper consideration to relevant rights when making decisions, and to act compatibly with human rights.

The review of the making of a FPO by VCAT

Section 24(1) will apply to the review of a FPO before VCAT, and the right will likely be limited by the potential for a FPO review to be heard and determined on information that is subject to Crown privilege and not disclosed to the applicant. The nature of the limitation extends to preventing full disclosure to a party of all relevant and admissible evidence necessary to defend their own interests in a hearing, preventing the release of adequate and transparent reasons, providing for the hearing to be conducted in closed sessions in the absence of the party, limiting the ability to cross-examine certain witnesses and precluding the power of VCAT to stay the operation of a FPO pending a review.

The need to protect police investigative techniques and intelligence has been accepted by courts as a legitimate and necessary objective justifying limits on the right to a fair hearing. The limitation is rationally connected to achieving the purpose of maintaining the confidentiality of criminal intelligence, which is essential to the proper discharge of police functions.

The High Court has allowed the judicial use of criminal intelligence not disclosed to an affected party or their legal representative, as long as the court or tribunal retain discretion to independently assess classified information, determine whether it should be admitted in secret and how much weight to afford it in terms of fairness to the parties. I note that VCAT retains this independent discretion, including the power (with consent of the president of the VCAT) to grant access to any information subject to a Crown privilege certificate on any conditions the tribunal thinks fit (s 54(3) of the VCAT act), or direct a witness to answer a question that would disclose information subject to a Crown privilege certificate if the tribunal considers it would not be contrary to the public interest to do so (s 55(2) of the VCAT act). The High Court has considered such arrangements to be an appropriate balance between the conclusive nature of a Crown certificate and the rights of the parties in a proceeding, allowing the tribunal to weigh the potential harm of disclosing privileged information against any frustration or impairment to the administration of justice should the information be withheld.

I note that a number of schemes in Victoria provide for the appointment of special counsel to represent an applicant's interests at a closed hearing, which may constitute a less restrictive means. However, where this is the case, information could only be released to persons with an appropriate security vetting, which necessarily involves an intensive process that can take many months before sufficient clearance is gained. This may introduce unacceptable delays in the scheme resulting from the appointment of appropriate special counsel, given there will be a limited pool of available counsel with the requisite security clearance.

I note also that comparative jurisdictions provide for additional means to disclose protected information to an affected party without prejudicing confidentiality, such as providing the gist, or a summary, of credible, relevant and significant information to the affected person.

In my view, such a measure is not reasonably available in these circumstances to achieve the purpose of the limitation. There is a complexity to police intelligence which makes it

difficult to release details or provide summaries to affected parties without compromising the intelligence. Information can come from a variety of agencies (including federal or international sources) and have varying levels of classification and protection requirements regarding access and disclosure. A limited pool of special counsel may also impede the efficient and timely hearing and determination of reviews by VCAT, especially as an order cannot be stayed while a review is underway or if there is a high volume of reviews at a given time. Any inappropriate release of such information may place the community at imminent risk of danger or impair Victoria Police's ability to obtain similar intelligence in the future. Relevantly, the Victorian Court of Appeal has held that there may be circumstances where even the 'gist' of such information may be withheld from a party if the disclosure of such information is not in the public interest.

Accordingly, while reviews of a FPO before VCAT may contain an element of unfairness which constitute a limit on the right to fair hearing, I am satisfied that any such limits will be reasonably justified under section 7(2) of the charter and that VCAT retains sufficient discretion and powers to alleviate any such unfairness.

Right to freedom of association (s 16)

Section 16 provides that every person has the right to freedom of association with others. One of the specified considerations in new section 112E in determining whether it is in the public interest to make a FPO is on the basis of a person's associates. As a person's associations may render the person eligible to be made subject to an order affecting their rights and interests, this may limit a person's freedom to associate by having of a 'chilling effect' on a person's enjoyment of the right. For example, a person may be discouraged or inhibited from exercising a legitimate right to associate with others for fear of the legal repercussions associated with a FPO.

I consider, however, that any resulting limit would be reasonably justified under s 7(2) of the charter. The scope of the right is primarily concerned with protecting freedom of association to pursue lawful interests in formal groups, and its scope does not extend to restrictions on associations between private individuals. The scheme is intended to target criminal groups, and Victoria Police are particularly concerned with firearm possession and use amongst organised crime groups and persons considered a risk in the counter-terrorism context. An individual's associations with known offenders and persons of concern to police are directly relevant to evaluating a person's level of access to firearms and risk of committing firearm-related offending. As discussed above, given the limitations with the current powers in the act to protect the community from firearm-related offending, basing a decision to make a FPO on associations relating to criminal groups is reasonably justified.

Additionally, the chief commissioner will be obliged by s 38 of the charter to have regard to a person's freedom to associate when considering relevant countervailing considerations against the making of a FPO in a given circumstance. Further, as outlined above, the making of a FPO is subject to the right to apply for merits review of the order, where a tribunal has the power to revoke the order if not satisfied that it is in the public interest for the FPO to have been made.

Search and seizure powers

Clause 22 inserts new part 4A into the act which provides for new police search and seizure powers without consent or warrant in relation to persons subject to FPOs, and also persons accompanying persons subject to FPOs.

The powers permit a police officer to do any of the following in relation to an individual subject to a FPO:

enter and search any premises occupied by, or under the control or management of the individual (new section 112Q(2)(a));

search any vehicle, vessel or aircraft that is in the charge of the individual or passenger thereof, including the power to stop and detain any vehicle, vessel or aircraft for so long as is reasonably necessary to conduct the search (new section 112Q(2)(b) and (4)(a));

search the individual and any item in their possession, including the power to stop and detain that person for so long as is reasonably necessary to conduct the search (new section 112R); and

seize any firearm or firearm-related item (new sections 122Q(4)(b) and 112R(3)(b)).

The above powers may be exercised by a police officer without warrant or consent if the exercise of the power is reasonably required to determine whether an individual has acquired, possesses or is carrying or using a firearm or related item in contravention of the act.

The above powers may also be exercised in relation to children aged between 14 and 17 years inclusive who are subject to FPOs.

New section 112S clarifies the power of search without warrant or consent of a person who is in the company of an individual to whom the FPO applies, if the police officer reasonably suspects that person is committing or is about to commit an offence against the act, and has a firearm or related item in their possession. The power also permits a police officer to stop and detain the person being searched for so long as is reasonably necessary to conduct the search.

These provisions are relevant to the rights to privacy (s 13), children to protection (s 17), property (s 20), freedom of association (s 16), which will be discussed in turn.

Right to privacy (s 13)

Section 13 of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13 contains internal limitations which affect the scope of the right, meaning that lawful and non-arbitrary interferences with a person's privacy will not limit this right. Relevant case law indicates that a search power will generally be arbitrary if it is considered to be unreasonable in the sense of not being proportionate to the legitimate aim sought to be achieved.

Unlike other comparable human rights charters, the charter does not contain an express protection against 'search and seizure'; however, it is accepted that comparative approaches regarding police searches are relevant to determining the scope of the charter's right to privacy. As a starting point, for a police search to be compatible with the right to privacy,

jurisdictions such as Canada, United States and New Zealand have held that there must be reasonable grounds to believe an offence has been committed, and the search must be authorised by an impartial judicial officer (usually in the form of a warrant).

These jurisdictions recognise that there are exceptions to the requirement to seek a warrant, which are based on scenarios where it is impractical to seek a warrant and a search is considered reasonable in the circumstances.

As outlined above, the purpose behind these new powers relates to pressing and substantial social concerns arising from offending involving the use of firearms and the threat this poses to public safety and wellbeing. However, I acknowledge that the privacy of an individual subject to a FPO may be significantly interfered with due to the person being subject to discretionary search powers. A FPO is a discretionary order made by the chief commissioner, and an order may be made on the grounds of very broad criteria, including on the basis of 'the behaviour of the individual'. Following the making of an order, an individual can then be subject to the exercise of search powers that may result in frequent and intrusive searches of persons subject to FPOs (but not including strip searches), in circumstances where there would ordinarily be a high expectation of privacy, such as searches of their person, home or vehicle.

The bill does provide for a number of limits and safeguards to reduce the potential for these interferences to be arbitrary in nature. The powers are subject to a threshold test of 'if reasonably required' to determine whether the individual has committed offences in contravention of the FPO. While this standard is lower than comparative thresholds commonly provided for in the Victorian statute book and overseas, such as 'reasonable grounds to believe' or 'reasonable grounds to suspect', it does impose a requirement of 'reasonableness'.

The bill also provides that the search of an individual does not include a strip search.

The new search powers are rationally connected to, and carefully designed to achieve, the purpose of reducing the threat of firearm-related offending and unlawful access to firearms. As I have set out in the opening paragraphs to this statement, the existing protections and measures in the act are not sufficient to protect the community from the risk of harm associated with firearm-related offending. Police are currently limited in their capacity to proactively respond to situations where sufficient intelligence exists to indicate that it is contrary to the public interest for an individual to possess a firearm. While the act provides for existing search powers with a warrant, this does not provide a timely solution to address a threat that intelligence suggests is imminent, but does not enliven existing powers to search without a warrant.

The evidence of comparative FPO schemes in New South Wales and South Australia does suggest that the bill's search powers can have a significant effect on reducing firearm-related crime. I note that the New South Wales Ombudsman, in its 2016 review of police use of FPO powers in New South Wales, found that these powers provided a benefit to police which enabled them to respond in circumstances where their existing powers to search individuals for firearms and firearm parts could not be used. This was where police did not have sufficient information to obtain a search warrant or use their general powers, but nevertheless had sufficient information to form the view that a search was 'reasonably required'.

The New South Wales Ombudsman did identify three factors in the structure of the New South Wales scheme that gave rise to a risk of the search powers being used arbitrarily and unreasonably, including that New South Wales FPOs did not contain an expiry date, there was inconsistency regarding police interpretation of the 'reasonably required' test, and there was no regulation regarding searches of third parties accompanying an individual subject to a FPO.

The bill has adopted a range of measures to address such concerns arising in Victoria. Unlike the NSW scheme, the bill specifies a maximum duration of 10 years for a FPO (or five years for children), with a right to apply for periodic review of the order after the half-way mark of the order. This enhances VCAT oversight of the scheme and allows for more scrutiny of FPOs to ensure that an initial or ongoing FPO is appropriate and based on valid and current circumstances. The bill carefully regulates the searches of third parties, requiring that an applicable threshold of 'reasonable suspicion' be satisfied before a search can be exercised. In relation to the test 'if reasonably required', while the bill intends to retain this threshold to enable police flexibility to search in circumstances where they previously could not, police officers will be subject to robust policies and procedures to ensure there is a methodical approach to searches. Additionally, a police officer must also comply with s 38(1) when exercising or not exercising, or deciding to exercise or not exercise, a search power under this bill, which will include giving consideration to a person's right to privacy when determining if a search is 'reasonably required' in a given circumstance.

I accept that the powers given to police officers to search persons, premises and vehicles, without prior judicial authorisation and in circumstances where the search is 'reasonably required' to determine whether an individual is contravening a FPO, constitutes a departure from the existing and generally accepted position on the minimum requirements for a search power to be regarded as not arbitrary and consequently compatible with the right to privacy. In my view, the discretionary nature of the powers is essential to providing the operational flexibility to reduce firearm-related offending. However, I acknowledge that searches may occur under these powers in circumstances that could constitute an arbitrary interference with privacy, particularly in light of the broad grounds on which an order may be made, the long duration of FPOs, the orders immediate effect upon service and the limited rights to seek review 'after the fact'.

Additionally, the fact that the powers apply to children aged between 14 and 17 years inclusive increases the significance of any interference with the right to privacy, so far as it applies to a child, due to the inherent vulnerability of children.

While it is my view that these amendments are necessary in order to address a pressing and substantial social concern relating to community protection, I acknowledge the significant interference these powers have on the privacy of individuals who would be subject to FPOs, and the particular effect of the powers on children subject to FPOs. Given this significant interference, coupled with the discretionary nature of the power to order an FPO, and the fact that an FPO may be made on the grounds of very broad criteria, including on the basis of 'the behaviour of the individual', in my view

there are likely less restrictive measures that could arguably be adopted. Consequently, I conclude that these powers are incompatible with the right to privacy in the charter.

However, I am also of the view that, notwithstanding this incompatibility, it is appropriate to proceed with these amendments in order to address an increase in firearm-related offending, where existing law enforcement powers have proven inadequate and where similar measures have proven effective in other jurisdictions.

Further, in recognition of the fact that these powers are a significant expansion on current arrangements, the bill provides for a robust reporting and oversight regime of FPOs. The chief commissioner will be required to report annually on the FPO scheme to the minister. The Independent Broad-based Anti-corruption Commission (IBAC) will also be required to report biennially to the minister on the administration of FPOs and the exercise of FPO search powers, with the report to be tabled in Parliament. Additionally, IBAC will have standing powers to monitor the exercise of powers under part 4A of the bill, and will have all necessary powers to discharge this function, including powers of entry of Victoria Police premises, full and free access to all relevant Victoria Police records or documents, powers to direct police officers to give IBAC any relevant information or document, or answer any relevant questions. These extensive and independent oversight powers protect against inappropriate use of such powers and allow for continued evaluation of the effectiveness of the scheme in Victoria. The FPO scheme will also sunset 10 years after commencement, recognising that these powers are a response to a current pressing threat to public safety and order, and will provide for further parliamentary review as to whether such powers should continue in the future.

Right to privacy (s 13) — individuals not subject to FPOs

A person who is in the company of an individual to whom the FPO applies can also be searched, if a police officer 'reasonably suspects' that person is committing or is about to commit an offence against the act, and has a firearm or related item in their possession. The power also permits a police officer to stop and detain the person being searched for so long as is reasonably necessary to conduct the search.

In my view, it is necessary for accompanying persons to also be subject to search powers as, without this power, an individual subject to a FPO would be able to frustrate the purpose of the scheme by using third parties in their presence to conceal firearms or render police searches unworkable. This concern would be heightened in relation to the intended class of persons to be targeted by this power, such as organised crime groups. The provisions clarify that the existing higher threshold for exercising the search powers under section 149 of the act apply to accompanying persons, requiring a police officer to have a reasonable suspicion that they are committing or about to commit offences against the act and has a firearm or related item in their possession. The same oversight and reporting arrangements apply as above. Additionally, this provision reflects a recommendation by the New South Wales Ombudsman that a similar power be codified in the New South Wales scheme to provide certainty to police on the scope of permissible searches of persons accompanying a FPO subject who are suspected of committing firearm-related offences.

For these reasons, in my view, the search of accompanying persons does not constitute an arbitrary or unlawful interference with the privacy of such persons.

Right to protection of children (s 17)

Section 17(2) provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child. The right recognises the special vulnerability of children. The charter defines children as a person under the age of 18.

The bill's potential application to children as young as 14 years of age is a limit on this right. I note that the bill modifies the scheme's application to children in a few areas. The maximum duration of a FPO is limited to five years in relation to a child, and there is a further right to apply for review (after the initial right at the making of the FPO) after two and a half years. Importantly, as mentioned, a FPO cannot be made in relation to a child under 14 years of age.

However, as I have already determined that the police powers of search are incompatible with the right to privacy, and as such powers are able to be exercised in the same manner against children made subject to a FPO with minor modifications, I must also by extension determine that these powers are incompatible with the right to protection of children.

Additionally, the fact that an order can apply to a child for a period of five years constitutes a limit to s 17(2), as it is most likely not in the best interests of a child to be subject to such an order for an extended period of time with minimal rights of review.

However, it is my view that, for this new scheme to achieve its aim to reduce firearm-related offending and violence, it is necessary and appropriate that the scheme apply equally to children. Victoria Police hold concerns about offending involving a small cohort of young people (which can sometimes involve individuals with no prior criminal convictions) that can rapidly escalate from a relatively 'low level' to serious offending involving firearms. Recent crime statistics research shows that a small group of high-frequency young offenders account for a disproportionate amount of offending, Moreover there is a small high-offending group whose offending increases rapidly from a young age with a significant proportion of this group recording at least one crime against the person. The resulting risk to community safety posed by young people using firearms is as serious as that posed by adult offending. The government is of the view that illicit firearm possession and use by these young people should be deterred and prevented to the same extent as adults. While the scheme is likely to impact only a small cohort of young people, limiting how FPOs apply to even this group would inhibit the police's ability to quickly respond to this type of serious offending. Further, by moving to proactively address the firearm threat posed by children, the government is also enhancing the rights of other children and families in the community to protection.

Therefore, although the bill's application to children is incompatible with the charter, I am of the view that it is both essential and appropriate to provide police with these powers to address the community's concerns and the impact of firearm-related offending.

Right to property (s 20)

Section 20 provides that a person must not be deprived of his her property other than in accordance with law.

Although this bill provides for the seizure of firearms or firearm-related items discovered during the exercise of the above search powers, I am of the view that these provisions do not limit this right. New section 112T regulates how items seized or surrendered under this scheme are dealt with, with any seized firearm that lawfully belongs to another person being required to be returned to that person. Firearms or firearm-related items are only forfeit to the Crown if no other person is lawfully entitled to possess them or have been gained through a contravention of the act by the individual who surrendered it or from whom it was seized and are then dealt with under part 8 of the act. I am satisfied that any deprivation for property will occur in accordance with law.

Right to freedom of association (s 16(2))

New section 112S, which provides power to search persons in the company of a person subject to a FPO, which may have a chilling effect on a person's freedom of association, particularly if being in the presence of a person may enliven a police power of search.

However, I am satisfied that any resulting limitations will be reasonably justified under section 7(2) of the charter. As discussed above, the search power is necessary in order to prevent the purpose of the scheme being frustrated by persons subject to FPOs using third parties in their presence to conceal firearms or render police searches unworkable. The person can only be searched if a police officer 'reasonably suspects' the person is committing or is about to commit an offence against the act and has a firearm or related item in their possession. A search cannot be solely based on the fact that the individual is accompanying a person subject to a FPO. As discussed above, this power draws on the existing warrantless search power under section 149 of the act and clarifies its operation with respect to an accompanying person.

Consequently, in my view, any resulting limitation to the right to freedom of association is justified within the meaning of section 7(2) of the charter.

Offence for person to whom a FPO applies to enter or remain on certain premises

New section 112O prohibits a person subject to a FPO from entering or remaining in:

a premises on which a person carries on the business of being a firearms dealer;

a shooting range;

a handgun target shooting club;

a firearms collectors' club;

a shooting club;

a handgun target shooting match;

a paintball range or place at which paintball activities are carried out;

a premises where firearms are stored (such as a premises where a licensed firearm owner normally stores their firearms); or

a prescribed premises, which can only include those premises where the presence of the FPO subject is a risk to public safety and order.

Rights to freedom of movement (s 12), privacy (s 13) and freedom of association (s 16)

This offence is relevant to a person's rights to freedom of movement (s 12), privacy (s 13) and freedom of association (s 16). It may have the effect of interfering with an individual's capacity to move through certain public premises or properties, engage in lawful sporting and community activities, undertake employment in the firearm industry or maintain relationships with persons who frequent these types of premises. However, I am satisfied that any resulting limitations on these rights will be reasonably justified on the grounds of upholding the effectiveness of the FPO scheme and protecting the community from harm. The offence relates to places which provide access to firearms or are highly likely to have firearms stored on the premises. So the offence is focused on the risks of the particular place, not the association of the person subject to a FPO and other persons that may be on those premises. The offence only applies to persons who are subject to a FPO, meaning it has been determined (with a right to VCAT review) that it is in the public interest that such a person not acquire, possess, carry or use any firearm or related items. In order to effectively limit such person's access to firearms, it is essential that such individuals be excluded from places that are likely to store firearms or related items or provide access to firearms or related items. For these reasons, I consider that the rights to freedom of movement, privacy and freedom of association are not limited by the offence. In the event that a different view is taken, I consider that these rights would be demonstrably justifiable under section 7(2) of the charter, and no less restrictive options are available.

Offence to fail to surrender firearms or firearm-related items on service of orders

New section 112P provides for an offence to fail to surrender a firearm or firearm-related item upon being served with a FPO. In summary, once a person is personally served with a FPO, they are immediately obliged to surrender any firearm or related item in their possession, and if they are able to do so, they must surrender any item in the manner directed by the police officer who served the order and no later than 24 hours after the order is served. Failure to do so is punishable by a maximum penalty of five years imprisonment. While a person who surrenders a firearm or related item in accordance with this provision will not be liable for a FPO related-offence, surrendering their firearms may expose themselves to liability for existing offences under the act, such as unlawful possession, carriage or use of firearms and related items.

This is relevant to the charter's protection against self-incrimination.

Right to protection against self-incrimination (s 25(2)(k))

Section 25(2)(k) provides that a person must not be compelled to testify against himself or herself or to confess guilt. This right is primarily concerned with testimony or compulsory

questioning. However, it may also be considered limited in circumstances where a person is being compelled to undertake an action that may expose them to later prosecution.

I am satisfied that any such limits to the right would be reasonably justified in these circumstances. The provision is intended to provide fairness to persons served with a FPO, who, if not for the FPO, may otherwise have lawfully possessed firearms or related items, by providing such persons with an opportunity to immediately surrender firearms without attracting liability for a FPO-related offence. The provision also provides a degree of fairness to persons who may unlawfully possess firearms or related items, by providing them with an opportunity to avoid liability for a FPO offence at the commencement of the order, which would attract significantly increased maximum penalties compared to a non-FPO offence prohibiting similar conduct.

While surrendering unlawful firearms or related items in these circumstances may expose a person to liability for a non-FPO offence, the intent of the legislation would be thwarted if a person served with a FPO in these circumstances was able to derive immunity from prosecution for any offences under the act that they were presently committing. In my view, there are no less restrictive means reasonably available to ensure that the law does not operate unfairly to persons who abide by the law, while not creating an opportunity for persons in contravention of the law to escape liability. I note that this provision is based on recommendations by the New South Wales Ombudsman for a similar provision to be inserted into the New South Wales scheme.

Reviews of decision to refuse licence applications, cancel licences and decisions not to renew a licence on criminal activities grounds

Clause 9 of the bill amends section 34 of the act to provide that a 'non-prohibited person' may apply to VCAT for a review of a decision to refuse a licence application on the basis of information known to the chief commissioner as to the criminal activities of the individual (criminal activities ground). Clause 12 of the bill amends section 44 of the act, to provide that a 'non-prohibited person' may apply to VCAT for review of a decision not to renew a licence on the criminal activities ground. Clause 14 of the bill amends section 50 of the act, to provide that a 'non-prohibited person' may apply to VCAT for review of a decision to cancel a licence on the criminal activities ground.

The term 'prohibited person' is defined in the act to include a person who is serving a term of imprisonment for specified offences, or where not more than 15 years have expired since the person finished serving a term of imprisonment of five years or more for such an offence or not more than five years have expired since the person finished serving a term of imprisonment of less than five years for such an offence. Under the act, a person can apply to the court for a declaration that the person is deemed not to be a prohibited person, in very limited circumstances. Also, clause 22 will amend the act to provide that references to 'prohibited persons' in the act with respect to the review of licensing decisions of the chief commissioner, are taken to include an individual subject to a FPO. Similarly, a reference to a 'non-prohibited person' does not include a reference to a FPO subject. So a FPO subject will be treated in most instances as a 'prohibited person' for the purpose of the licensing system.

Right to a fair hearing (24(1))

As clauses 9, 12 and 14 limit the circumstances in which persons can seek review by VCAT, the right to a fair hearing is relevant to these sections. However, while prohibited persons are prevented from seeking merits review of the relevant decisions at VCAT, such persons are not prevented from seeking judicial review of the decisions, or from seeking a declaration from the court that they are deemed not to be a prohibited person, in limited circumstances. Also, persons subject to a FPO will have merit review rights to VCAT with respect to the decision to make the FPO, as well as being able to seek judicial review of the decision. Given this, in my view, the right to a fair hearing is not limited by these clauses of the bill.

Hon. Lisa Neville, MP
Minister for Police

Second reading

Ms NEVILLE (Minister for Police) — I move:

That this bill be now read a second time.

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

The Victorian government is steadfast in its commitment to keep the community safe. The government's *Community Safety Statement 2017* outlines a suite of new investment, powers, tools and capabilities to support Victoria Police to achieve a safe and just Victoria, and hold offenders to account.

The risk of the illicit use of firearms by organised crime groups, networked offenders and persons rated as a terrorist risk by police clearly threaten public safety. Statistics from both Victoria Police and the independent Crimes Statistics Agency show an increase in firearm-related violence with 'drive-by' and 'non-fatal' shootings, which are often linked to organised crime. Drive-by shootings in Victoria have risen from 27 non-fatal shootings in 2014, to 67 in 2016 and already 47 to date in 2017.

The Firearms Act 1996 (the Firearms Act) fundamental purpose is to ensure that the possession, carriage, use, acquisition and disposal of firearms are regulated in order to ensure public safety and peace. The Firearms Act does provide the Chief Commissioner of Police with mechanisms to meet this purpose through a system of licensing and regulating firearms as well as a prohibited person regime.

However, the dangers of firearms in the community has changed and the existing mechanisms and powers in the act do not provide Victoria Police with sufficient powers to protect the community from the risk of harm associated with this type of firearm-related offending. The 'prohibited person' scheme operates 'after the event' and relies on a person's criminal convictions or an intervention order against them. It does not address individuals who are not 'prohibited', but are still of significant concern to police in relation to their risk of firearms-related offending.

The Firearms Amendment Bill 2017 builds on existing legislative measures to help reduce the illicit access to and use of firearms in the community.

The bill will introduce complementary police powers and tools, including firearm prohibition orders and new and updated offences for Victoria Police to proactively and quickly disrupt serious criminal activity associated with the illicit use of firearms.

Firearm prohibition orders

The *Community Safety Statement 2017* outlined the government's commitment to give Victoria Police the powers and resources it needs to keep Victorians safe. Illegal firearm use causes significant harm in our communities. Victoria Police has told the government that, operationally, the current tools that exist to address firearm-related offending are no longer sufficient to prevent emerging kinds of firearm crime. FPOs will be used in scenarios where no other appropriate mechanism exists to prevent a person from obtaining a firearm, but sufficient intelligence exists to indicate that it is contrary to the public interest for that person to possess a firearm.

To support Victoria Police in their efforts to crack down on firearm crime, clause 22 of the bill inserts new part 4A into the Firearms Act to create firearms prohibition orders (FPO). The Victorian FPO scheme is modelled on the successful NSW scheme and takes into account the NSW Ombudsman's 2016 review of the NSW FPO search powers. The NSW FPO scheme has had significant impacts on firearm crime. NSW Police advises that shooting incidents across NSW metropolitan and regional areas decreased by 45 per cent for the period of 2011 to 2016. NSW Police has informed Victoria Police that FPOs have been successfully issued in counter-terrorism cases, against outlaw motorcycle gangs and against other high-risk individuals. In other areas of the state, the NSW FPO scheme has been attributed to an 80 per cent reduction in firearm violence.

The scheme has also been developed in close consultation with Victoria Police. To support the working of the FPO scheme, a new subparagraph will be inserted into the purpose section of the Firearms Act. This subparagraph does not otherwise represent a broader extension of the existing restrictions on firearms.

The Chief Commissioner of Police (or select delegate) will be able to make a FPO against an individual if satisfied that it is in the public interest that the individual does not have possession of a firearm or firearm-related item (which includes a silencer, firearm attachment, firearm part and cartridge ammunition) due to any one or more of the following:

> the criminal history of the individual;
>
> the behaviour of the individual;
>
> the people with whom the individual associates;
>
> the threat or risk the individual may pose to public safety on the basis of information known to the chief commissioner about the individual.

It will not be necessary that the individual has a criminal conviction. This will enable the chief commissioner to draw on the suite of information holdings of Victoria Police when deciding to make the order.

The orders will have a set duration of 10 years for persons over the age of 18 years and five years for a person aged 14 to 18. Young people have been included in the FPO scheme based on advice from Victoria Police that networked offending involving this age group (which can involve youths with no prior criminal convictions) can rapidly escalate from relatively low-level to serious offending involving firearms.

Let me be clear, this measure is not about legitimate firearms licence-holders. The government's expectation is that the chief commissioner uses these orders to focus on serious criminal activity. The licensing system and prohibited person regime in the Firearms Act are being maintained. For example, regulatory offending relating to a failure to comply with conditions of a firearms licence will continue to be dealt with under the licensing scheme. The criteria for making a FPO has been left in broad terms in order to provide the chief commissioner with operational flexibility to proactively and quickly respond to fluid serious criminality, intricate criminal enterprises and counter-terrorism related operations.

Once an order is personally served on the individual, they will have the opportunity to immediately surrender any firearm or firearm-related item in their possession. If the person cannot do so they must surrender the firearm or related item in the manner directed by a police officer within 24 hours after the order is served. Failing to surrender will be an offence carrying a maximum penalty of five years imprisonment.

New section 112B then creates an offence with a maximum penalty of 10 years imprisonment, if the FPO subject possesses, acquires, carries or uses a firearm or firearm-related item. The penalty level is aligned with the existing offence in section 5 of the Firearms Act of a prohibited person possessing, carrying or using a firearm.

As imitation firearms impact on public safety (as their appearance means they could reasonably be mistaken for operable firearms) the bill amends the Control of Weapons Act 1990 to extend the offence of a prohibited person possessing, using or carrying an imitation firearm to also apply to FPO subjects.

As the scheme is focused on restricting access, carriage and use of firearms, FPO subjects will be prohibited from entering or remaining on certain premises where firearms are available. These premises will include shooting ranges, shooting clubs, premises where firearms are kept and paintball locations. Paintball locations are explicitly included in the scheme due to Victoria Police concerns regarding the potential for possible FPO subjects to use paintball markers and locations for tactical firearm training.

After an order is served on an individual, a police officer will be able to search the FPO subject (in a manner other than a strip search) and any item, package or thing in their possession, and any premises and vehicle, vessel or aircraft related to the FPO subject, if reasonably required to determine whether the subject has acquired, possesses or is carrying or using a firearm or firearm-related item in contravention of the Firearms Act.

I acknowledge that this is a lower threshold to enliven search powers and is a departure from the more common 'reasonable belief' or 'reasonable suspicion' thresholds. However, as noted by the NSW Ombudsman, these search powers are a useful tool enabling police more flexibility to search in circumstances where previously they could not. Victoria Police will have robust documented policies and procedures to ensure there is a methodical approach to searches.

The bill also clarifies that the existing warrantless power to search a person under section 149 of the Firearms Act will apply with respect to a person who is in the company of a FPO subject. This means a police officer will only be able to search an accompanying person if the officer reasonably suspects that the person is committing or is about to commit an offence against the Firearms Act and has a firearm or firearm-related item in their possession.

The bill provides a right of review of the decision to make the FPO to the Victorian Civil and Administrative Tribunal (VCAT). These decisions may involve sensitive police information, such as the identity of informants, police investigative methods, or information related to an ongoing police investigation. The chief commissioner may rely on the existing mechanisms under the Victorian Civil and Administrative Tribunal Act 1998 where it is necessary to maintain the confidentiality of the information. Even where sensitive police information is the basis for issuing a FPO, VCAT may still have access to all relevant information when conducting the merits review. It also can adapt proceedings to the particular circumstances with regard to the public interest in maintaining the confidentiality of sensitive police information and the interests of the applicant.

FPO subjects will have a further VCAT right of review of the decision to make the FPO at the half-way mark of the duration of the order. VCAT will be able to consider the information and material on which the decision was originally based as well as subsequent information, material and the facts as they exist at the time of the further review. This may enable a FPO subject to demonstrate the basis for making the order is no longer warranted.

The review forum for firearm licensing decisions of the chief commissioner has been aligned with the FPO scheme. VCAT will be the appropriate forum to determine a review of a FPO, and also licensing decisions that are based on the chief commissioner refusing a licence application, refusing to renew, or cancelling a licence due to serious criminal behaviour. VCAT is better set up to deal with these more complex matters.

The more informal Firearms Appeals Committee will retain its jurisdiction to review licensing decisions of the chief commissioner that relate to 'fit and proper person' determinations on more administrative grounds and regulatory breaches of the Firearms Act (such as breaches of storage and transport requirements).

Given the nature of the FPO scheme, the bill establishes a stringent oversight regime, commensurate with the powers and functions provided to the chief commissioner and police officers. A three-tiered oversight and assurance system has been designed for the Independent Broad-based Anti-corruption Commission (IBAC) to ensure the proper administration of the scheme and the exercise of powers:

Biennial ministerial reports: Every two years during the operation of the FPO scheme, IBAC will undertake a systemic review to provide an independent and objective evaluation of the FPO scheme. The reports will be tabled in Parliament and may contain recommendations as to possible amendments to improve the operation of the scheme.

Standing power to monitor and report: IBAC will have a general power to monitor and report on exercise of powers and the performance of duties and functions of the chief commissioner and members of Victoria Police personnel. These powers can also be drawn on at the request of the responsible minister. IBAC will be able to make recommendations to the chief commissioner on any identified matter arising from the exercise of the monitoring powers.

Representative sample of case reviews: IBAC will be required to ensure a representative sample of case files that supported the chief commissioner's decision to issue the FPOs are reviewed. The expectation is that IBAC will review a realistic sample of FPOs and, as a guide, this sample would be approximately 10 per cent of the total in the given period. The number will depend on the types of issues raised in the files, the number of FPOs made in the relevant period and other relevant issues such as age of the person subject to the order. IBAC will review the case file and consider it against the statutory test for making the order to support the thoroughness of the decision-making process and internal policies and procedures.

This oversight system is in addition to IBAC's extensive powers to investigate and respond to police conduct under the Independent Broad-based Anti-corruption Commission Act 2011. It is intended that IBAC will give particular consideration to whether vulnerable cohorts, such as young people, and culturally and linguistically diverse people, are disproportionately impacted by the use of FPOs. It is important to note that this is an assurance process. It is not a merits review of or substitute for the chief commissioner's decision to make an order.

The FPO provisions will sunset 10 years after they commence with Parliament retaining the ultimate determination on if and how the FPO scheme may continue to operate with or without statutory modifications. Consistent with the way sunset clauses work, it has no bearing on the length or validity of FPOs issued during the time the scheme is in operation.

New and updated firearms offences

As committed to in the *Community Safety Statement 2017*, the bill will insert a new offence into the Firearms Act to respond to the increase in 'drive-by' shootings. New section 131A will create an indictable offence of discharging a shot, bullet or other missile at a premises (which would include a private residence) or vehicle, vessel or aircraft with reckless disregard for the safety of any person. A penalty of a maximum 15 years imprisonment will apply to this offence, with aggravated penalties if the shooting is while carrying out a serious indictable offence (maximum 20 years imprisonment), as defined in section 325 of the Crimes Act 1958.

Associated with the new 'drive-by' offence, clause 25 of the bill will update section 130 of the Firearms Act, which currently prohibits the carriage of a loaded firearm or use of a firearm in certain places. The offence has been redrafted to prohibit the possession or carriage of a loaded firearm and the use of a firearm in a public place (as defined under the Summary Offences Act 1966). A separate limb will prohibit the same conduct in any place (other than a public place) with reckless disregard for the safety of any person. The penalties for this offence will be significantly increased to a maximum of 10 years imprisonment.

The high penalties for these offences recognise the seriousness and potentially lethal consequences of firearm use, particularly the dangers to the community posed by the firing or carrying of a loaded firearm.

Following advice from the Director of Public Prosecutions, a non-exhaustive definition of 'loaded' has been included in section 130 of the Firearms Act. The amendment will remove any doubt that a firearm is taken to be 'loaded' if it is fitted with a magazine that is loaded with cartridge ammunition and the cartridge can be fitted into the chamber or barrel of the firearm by operation of some other part of the firearm. This will assist in prosecutions where the firearm has non-conventional loading features, such as two-stage magazine wells.

Changes to the Firearms Act in 2015 lowered the definition of trafficable quantities of unregistered firearms to 'more than three firearms'. The recent tragic events in Brighton have painfully demonstrated the damage that illicit or stolen firearms can have. As an immediate measure, the bill will amend sections 7C and 101A of the Firearms Act to further reduce the quantity of trafficable unregistered firearms to 'two or more'. Victoria Police and the Department of Justice and Regulation will be giving further consideration to the penalty regime in the Firearms Act against community expectations and the dangers posed by the illicit firearms market to community safety.

Clause 19 of the bill will broaden the manufacture of firearms offence in section 59A of the Firearms Act to prohibit the possession of a firearms part or equipment for the purpose of manufacturing a firearm or other firearm part, unless done under and in accordance with a firearms dealers licence. This is to better capture preparatory steps in the illicit manufacturing process. Work is also underway, under the auspices of the Law, Crime and Community Safety Council, on model firearms manufacturing provisions to stay ahead of technological advances and innovations, such as 3D printing. This work will inform any future legislative developments.

Amendments to improve the operation of the firearms licensing and regulation system

Clause 10 of the bill amends the Firearms Act to allow a junior firearms licence to continue to operate after the individual turns 18, if they are waiting for their adult licence to be issued. This is to address a potential gap when the person is applying for an adult licence and they cannot participate in competitive shoots while a decision is being made on their application.

Clause 16 amends the Firearms Act to remove the distinction in the number of unlicensed supervised handgun shoots for adults and children, so that over an unlicensed person's lifetime, they will be able to receive a maximum of 13 supervised instructions at an approved shooting range. This will provide people with more opportunity over their lifetime to try out target handgun shooting before committing to the sport and associated licensing requirements.

Clause 20 will update the exemption for the publication of an advertisement for the sale of firearms in a magazine published by an approved club or in a commercially published firearms or shooting sports magazine. As these publications have largely migrated online, the exemption will be extended to include online publications of approved clubs and commercial online publications. This exemption is not intended to include e-classifieds.

The bill also includes technical amendments to clarify that paintball markers are subject to the same storage requirements as category A and B firearms. Clause 28 will amend section 155 of the Firearms Act to increase the overall number of members of the FAC from 13 to 15, increasing the number of legal members. This is to help facilitate FAC hearings requiring a legal member to sit in the division.

Update on the implementation of the refreshed National Firearms Agreement

In February 2017, all jurisdictions amalgamated the 1996 version of the national firearms agreement and 2002 national handgun agreement into a single point of reference for a national approach to firearms regulation.

The updated agreement also gives effect to the Council of Australian Governments' decision of 9 December 2016 to reclassify lever action shotguns. The commonwealth has indicated it will maintain its import prohibition on lever action shotguns with a magazine capacity of greater than five rounds until all jurisdictions have legislated for the reclassification. Legislation to give effect to the updated agreement will be introduced as soon practicable, having regard to other jurisdictions approach to firearms licensees who are affected by the reclassification.

I commend the bill to the house.

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

Debate adjourned until Thursday, 5 October.

CAULFIELD RACECOURSE RESERVE BILL 2017

Second reading

Debate resumed from 24 August; motion of Ms D'AMBROSIO (Minister for Suburban Development).

Mr SOUTHWICK (Caulfield) — I rise to speak on the Caulfield Racecourse Reserve Bill 2017. At the outset I thank the shadow minister for the environment, the member for Gembrook, for giving me the opportunity to speak first on this bill, because for us and certainly for me there is nothing more important locally than the future of the Caulfield Racecourse Reserve. I note that when I first entered this house in 2011 one of the first speeches I made was about the Caulfield Racecourse Reserve, and I have been banging on about this issue ever since. I am very pleased to say that we now have legislation in place to reshape the future of the management of the Caulfield Racecourse Reserve to ultimately get the balance right between racing, recreation and sport. This is a really important time for us. At the outset I say that the opposition will be

supporting this bill, and we will be supporting it because it is something that we have been calling for right from the very outset. I will talk a little bit more about that shortly.

If you look at Caulfield and its surrounds, there are a number of iconic buildings and a lot of features in my electorate. People would know it for Monash University, they would know it for the bagel belt, they would know it for Ripponlea Gardens and they would know it for Caulfield Grammar and a number of other great schools, but when you travel to meet people either interstate or overseas and you talk about Caulfield, there is one thing that tends to bring people back in terms of knowing where the area is, and that is the Caulfield Racecourse.

Caulfield Racecourse has over 250 000 people visit it each year, whether they are attending one of the 200 non-raceday events, whether they attend racing itself or whether they attend the famous Caulfield Cup, which has been made famous over the years and which has been held at that site since 1859. I will declare a special interest in this in that I come from a racing family. In fact I am very proud to say that my family, being my father and his brother, were the winners of a Caulfield Cup in 1972 with Sobar. It is a very proud moment to have not only a group 1 winner but also a Caulfield Cup winner. I am very proud to say that the one inheritance I got from the family was the actual cup, so that stays with me and is my pride and joy. It is a great memory for me.

One thing I did not inherit was the propensity to have a bet. I am not much of a gambler. I have seen my uncle make a small fortune out of a large fortune. It provides a good pastime for many others. We encourage sport and we encourage what racing can provide, but for me it is more about the importance of what racing has done for the community, for the sport and for Victoria itself and the revenue it provides.

What we are looking at here is an opportunity to open up the racecourse and not only look at racing but ensure that there is a fair and equal balance between racing, sport and passive recreation. I have said a number of times in this house that Glen Eira has one of the lowest open space availabilities of any municipality, and it is desperate for more space. We see increases in apartments. We also see fewer and fewer opportunities for young and old people to get around and get involved in playing sport locally. In fact there are a number of sporting clubs that actually have to play outside of the municipality because they cannot find grounds locally.

Many people have said — not just me but many former councillors, former mayors and former members, because this issue has been going on for some time — that we have a great opportunity to open up the middle of the racecourse and to provide active sport in the middle of it. I know this figure gets thrown around a bit from time to time, but certainly I have heard it quoted, and I think I have quoted it myself — there are up to 30 MCGs of sporting grounds available. I suppose that is when you take out the tracks and everything else, but there are certainly a number of grounds that could be activated to play sport in the centre.

Mr Dimopoulos — Fifteen.

Mr SOUTHWICK — The member for Oakleigh says '15', and when you add the tracks back and what have you, probably the opportunity right now is to look at 15 grounds. But whatever it is, if we can get sport being played in the middle of the racecourse, we will be able to help out so many of those young people coming through to get active and get outdoors. We will encourage sport and recreation, which is certainly an important thing for all people to get involved in, especially our young people as they grow.

The opportunity for this has been called on many, many times. Certainly this issue dates back to 1885, when a Crown grant was awarded for 143 acres or 58.23 hectares for a site for a racecourse, a public recreation ground and a public park at Caulfield. So it had the purposes of recreation, parkland and racing. There have been many committees and people that have managed this land for some time now, and unfortunately they have not got it right. It is interesting to note an article in the *Glen Eira News* back in 2006, 'Caulfield Racecourse, getting the balance right'. This was certainly quoted by the then mayor, Cr David Feldman, who said:

> There is no doubt that quality of life is linked very heavily to one's surrounds and that open space need to be easily accessible to the public …
>
> Also, a growing number of Glen Eira residents are living in apartments, flats or townhouses which provide little or no outdoor living areas.

That was in 2006. Fast track now to 2017 and I think that need would be multiplied tenfold in terms of the lack of availability of space. People are living in apartments and are desperate for open space.

In 2014 the Victorian Auditor-General found that the Caulfield Racecourse Trust had failed the community. After years of inaction one of the report's recommendations called on the then environment minister to undertake an urgent review of the

Caulfield Racecourse Trust in September 2015 to kickstart the reforms.

The report was done in September 2014 under the former government — our government — and can I say that all of the 15 recommendations were accepted by the department then. It was then up to actually getting things going and kickstarting the process. Unfortunately a lot of time had gone by without any activity happening. I know this is complicated, but I think every day lost is a lost opportunity for open space, certainly for the residents of Caulfield and others living around this great piece of land.

The Auditor-General suggested that we needed to act quickly. After two years of inaction following this report, I put out a media statement on 21 August 2016, where I said:

> … the Andrews government needs to act swiftly and introduce legislation into the Parliament that both clearly defines the use of the Caulfield Racecourse and installs an independent management authority for the reserve. Only after this is done will sporting clubs and other community organisations have the opportunity to gain access to this fantastic —

as the member for Oakleigh said —

> 15 MCG grounds worth of open space in Caulfield.
>
> Opening up the centre … and establishing sports grounds is the solution to solving Glen Eira's open space headache and support sporting clubs which are desperate for space and deserve to play locally.

This is what we called for in 2015, and certainly we have been pushing for it ever since. Unfortunately there has not been the action to get it done.

If I could just go through some of the background to the bipartisan working group. First of all, the Victorian Auditor-General report outlined there were real issues in the governance of the Caulfield Racecourse Trust, and it called for a complete overhaul of the trust to bring transparency back into the management of the trust and the racecourse reserve. On 1 September, a year later — after a year of inaction not implementing the report — I made an urgent call to the then minister for environment and asked the minister, now the Minister for Police, and asked if she would undertake an urgent review of the racecourse trust to kickstart the space.

I want to commend the then minister for taking up that call. There are not often times when you can talk about the importance of bipartisanship, but in this case I want to particularly say that when I sat down in this chamber and asked the minister, she said to me then, 'What do you think we need?'.

I said, 'We need a bipartisan review to make this happen, otherwise we will be sitting here talking about this, another election will pass and nothing will happen for the Caulfield Racecourse and for the constituents in my area and for Victoria more broadly, because this is an iconic facility that should be used by all'. So the bipartisan working group was set up.

I want to particularly acknowledge the member for Oakleigh, who sat on that committee with me, and Ken Ryan, who was our chair on this committee. We were able to work together. We were able to work to ensure that we got a way forward. One of the key recommendations of this review was to say that we need the legislation that we are talking about today.

That is why we are supporting this legislation, because a key part of what the bipartisan working group said was, 'Let's get some legislation in place. Let's get rid of the old trustees. Let's bring in a new independent group that are not aligned to racing, that are not aligned to council, that do not have their own areas of conflict of interest coming forward but are there to be independent with their own expertise' — similar to the way the Kardinia Park bill was introduced into this Parliament. We wanted to ensure we found a way forward to get the balance right between racing and open space, and between sport and passive recreation at the Caulfield Racecourse Reserve, and that is why we are very, very supportive of this bill.

I will point out one concern that I have, and I want to put this on the public record now. That is the fact that we do not have a lease signed between the Melbourne Racing Club and the government right now. That is a real issue and is something that this new trust will need to negotiate. When we undertook the review of the racecourse we said that in the interim the department would be able to step in, negotiate a lease, get a lease signed and hand it over to a new trust that could then manage the racecourse. I flag this as a concern, because at the moment we have the Melbourne Racing Club on a peppercorn rent of $100 000 a year, and that means all Victorian taxpayers are missing out on revenue, and ultimately that money that could be used to inject into public recreation is not being utilised.

I raise that as an issue which I will talk to a little bit after question time. It is a very important issue to raise because we need to inject some funds into upgrading parkland and sports ovals, and obviously it costs money to do that. The best way to do that is to negotiate a commercial lease, which Melbourne Racing Club will pay for, and inject those funds back into the Caulfield Racecourse Reserve and open up the middle. We need to enhance the racecourse reserve to benefit the

community, my Caulfield constituents and certainly all Victorians so that there will be opportunities for people to play sport there, to visit the racecourse and ensure that it gets used properly.

This bill provides a great opportunity to inject funding for both passive and sporting activities at the racecourse reserve, but it also ensures that racing is protected. Racing is an absolutely important activity in Victoria, and certainly the history of Caulfield is something that we should protect and maintain and racing should be protected and maintained. I think opening up the middle will enhance racing. It will actually ensure that more people have more opportunities to visit the racecourse. That is something that we think should happen, and we will talk more about how we will be able to open up Caulfield Racecourse Reserve.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Mandatory sentencing

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, White Ribbon advocate Karen Belej was killed in May 2016 by her partner, Brandon Lee Osborn. He obtained an illegal handgun, loaded it, pointed it at her head and pulled the trigger. Osborn was initially charged with murder but, following a plea deal, pleaded guilty to a lesser charge of manslaughter. With the combination of time served and a non-parole period of six years, he could walk free in less than five. The Belej family and the local community are devastated and have launched a petition 'Justice for Karen' to change the law. Karen's brothers are here in the gallery today. Premier, what will your government now do to specifically toughen the law around prosecution plea bargains in appalling cases like this one?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. First of all let me say that I think all Victorians, regardless of their political views and political affiliations, would have been shocked to learn of this crime. We send not only our best wishes and our thoughts but all of us as a Parliament are absolutely determined to do better for those who are victims of family violence and those who are the victims of violence against women, which all too often is exactly the same matter.

The Attorney-General would be more than able to provide a detailed list of different initiatives and measures we are taking in relation to standard sentencing and sentencing standards, if you like, and a range of other reforms that we have either made or are in the process of making.

What I would respectfully say to the Leader of the Opposition, though, in relation to this specific case — and I am not for a moment doing anything other than fully acknowledging the severity and the tragic and terrible nature of this case — these are appropriately matters for the Director of Public Prosecutions (DPP). The director has shown a preparedness and a willingness to step in where he believes sentences are manifestly inadequate. We can have confidence in that process. I would offer no further comment on specifics, because these matters as best we can tell may well be under active consideration right now. But I would say to the Leader of the Opposition, neither he nor any other Victorian should doubt the government's resolve to make sure we have got a strong statute book, a strongly resourced Victoria Police and strongly resourced family violence programs as well as the programs to change attitudes towards women, because that is at the centre of changing attitudes for women.

Supplementary question

Mr GUY (Leader of the Opposition) — The Belej family has been gutted, devastated and abandoned by the outcome of the prosecution plea deal. Chris Belej, here today, has recently said:

> When the DPP spoke to us about their decision to accept the downgraded charge of manslaughter, we were told that this case was a very serious example of manslaughter … and the court would see this the same way …

Manslaughter carries a maximum sentence of 20 years, yet Ms Belej's killer could be free in less than five. Premier, can you please tell Chris, Tim and the rest of Karen's family what action you and the government will now take to toughen sentencing laws in cases like this?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his supplementary question. The Leader of the Opposition has in fact referred to a number of policies that the DPP's office adhere to and have agreed to as they look at prosecution activities. This is a serious matter and one that I would have thought those opposite wanted an answer to rather than being an opportunity to interject. I would have thought that families of victims were entitled to an answer for these matters, which I am happy to provide in silence and with some respect from those opposite. Given that there are now less than 20 seconds available, I am happy to arrange for the Attorney-General to have discussions with this family and to hear from them personally on these matters. If there are learnings and

improvements that can be made, we stand ready to do just that.

Ministers statements: Brighton incident

Mr ANDREWS (Premier) — I am pleased to rise to update the house on important developments that the government has today announced around counterterrorism laws and procedures to keep Victorians safe. All of us were shocked and I think impacted so profoundly by events in Brighton earlier this year, where a woman was taken hostage, an innocent man lost his life and indeed three members of the outstanding special operations group were injured. Following that terrible event the government determined to ask experts, both former Chief Commissioner of Victoria Police Ken Lay and former Supreme Court justice David Harper, to form an expert panel on terrorism, violent extremism, prevention and response powers and to look right across the statute book, to look at police powers and operational matters and to look at whether all of our arrangements are adequate and fit for purpose, given the dynamic nature of the terrorist threat that we face every hour of every day in every part of our city.

They have come back with the first of two important reports. The first report focuses on clarification of the powers of Victoria Police to use lethal force when responding to life-threatening situations; changes to preventative detention orders and their framework and the expansion of those from two days to four days; and the establishment of a memorandum of understanding with the commonwealth and other partners to make sure that information is being shared and that the processes are working as best as they possibly can to keep Victorians safe.

These are profound reforms and important reforms — reforms I hope will enjoy broad support. There may be some who are displeased by these changes. If the liberties of a small few need to be curtailed to keep tens of thousands of Victorians safe from the terrorist threat, then that is what this government will do. I thank Ken Lay and David Harper for their advice and their report, and I look forward to the next in their instalments.

Brighton incident

Mr GUY (Leader of the Opposition) — My question is to the Premier. The Brighton terror siege saw the tragedy of a young father killed and three police officers injured. There are many unanswered questions from this incident, such as why Yacqub Khayre was on parole, in breach of recommendation 13 of the Callinan review, which you have claimed to have implemented. How was he, despite being under close supervision, able to purchase two guns illegally in contravention of his parole conditions, and what changes are needed to the parole system to stop these failings from happening again? Despite being ordered by the Legislative Council, Premier, you still refuse to release the three Department of Justice and Regulation reports into the siege that should address all of these questions. Premier, why are you refusing to finally release these reports and tell Victorians the truth about the circumstances behind this siege?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. In the asking of the question I think the Leader of the Opposition has essentially answered it in that he has directed all of our attention to the fact that there are a number of reviews and processes that are currently on foot and underway in relation to the —

An honourable member interjected.

Mr ANDREWS — On the interjection about being completed — no, the coronial inquiry is ongoing. The police investigation is ongoing. The court action in terms of criminal proceedings is ongoing.

Mr Guy — On a point of order, Speaker, on relevance, I have asked about three completed reports by the department of justice that the government has. I have not asked about the coronial inquest, and I have not asked about any police reports. I have asked about three reports, and I have asked the Premier why they have not been released.

Mr Pakula — On the point of order, Speaker, the matters in regard to the Brighton siege are all interrelated. The court matters, the coronial inquiries and any reviews that have been done are all interrelated. The material contained in one may well have impacts on things that are yet to be ventilated before the courts. So the Premier's answer is directly relevant to the question, and the fact that that matter might have been completed but others have not is directly relevant to the question raised by the Leader of the Opposition.

The SPEAKER — Order! The Chair is at a disadvantage in not understanding the different reports that are being referred to, but I would ask the Premier to answer the question.

Mr ANDREWS — As I was about to indicate, those matters are all ongoing and are incomplete. The government has made a judgement, exactly the same as occurred on dozens of occasions under a previous government — dozens of occasions and perhaps more — that it would be fundamentally irresponsible

to release those reports. Accordingly, the government will not.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, is the reason you are refusing to release these three departmental reports that they make clear recommendations that you and your government are not prepared to implement?

Mr ANDREWS (Premier) — The answer to the question is no. What is more, I will be happy to send a copy of the Harper-Lay report to the Leader of the Opposition, who is not only attempting to play politics with these things but is grossly misinformed and ignorant of the subject matter involved.

Ministers statements: scrap metal cash payments

Ms NEVILLE (Minister for Police) — I rise today to talk about the legislation that was passed by the upper house this week in relation to our tough new laws around banning cash for scrap metal. These laws will make it illegal to make cash payments for scrap metal, and this is a huge development in the disruption of organised crime in Victoria. We know from industry stakeholders like the Victorian Automobile Chamber of Commerce that rogue operators are moving into the scrap metal industry, and we know that the police have intelligence indicating that serious and organised crime gangs are behind a lot of this. Police know that organised crime wants to infiltrate this industry because it provides them with a mechanism to move large amounts of cash without any record and use dodgy record keeping and fake invoice practices to cover up their illegal revenue streams.

Unfortunately fake invoices can be used to hide the real purpose of events and activities. In fact they can be used to hide corrupt and criminal behaviour. These laws will put a stop to that. Well, they certainly will put a stop to it in the scrap metal industry; I am not sure it will put a stop to the Liberal Party and the Leader of the Opposition using fake invoices.

These powers complement other laws we are backing for police —

Mr Clark — On a point of order, Speaker, the minister is both debating the issue and making imputations in breach of standing order 118. I ask you to bring her back to compliance with standing orders.

The SPEAKER — I do not know whether the minister was making direct imputations, but she did stray from making a ministers statement. I ask her to come back to making a ministers statement.

Ms NEVILLE — These powers complement other laws that we are giving to police to help them crack down on organised crime. Whether it is the firearms legislation, whether it is the drugs legislation or whether it is this scrap metal legislation, we are taking the issue of organised crime seriously.

Apparently some others are taking it seriously too. The *Geelong Advertiser* today has indicated that there are some Liberal people looking to challenge the Leader of the Opposition because of some of this behaviour. Unfortunately the member for South Barwon said he is 101 per cent for the Leader of the Opposition, backing fake invoices, dodgy dealings and lobsters —

Mr Clark — On a point of order, Speaker, the minister's time has expired, but she is clearly abusing standing orders and sessional orders in her capacity to make a ministers statement. I ask you to caution her that she should not do so in future ministers statements.

The SPEAKER — I do ask ministers to stick to making ministers statements. The minister has concluded her statement.

Member conduct

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, is it not a fact that, due to the printing rorts scandal engulfing your Deputy President, Khalil Eideh, all of Mr Eideh's staff have now been sent on indefinite leave, his office has had its locks changed in order to prevent the destruction of any incriminating evidence and his office has now been suspended from operation by the Department of Parliamentary Services?

Honourable members interjecting.

The SPEAKER — Order! It is Thursday and we have made it to question 3 without me having to remove anyone from the chamber, but if question time descends into the behaviour it did in the last two sitting days, people will be removed from the chamber.

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question, and yet again I think he has really alluded to the answer in the asking of the question. He has referenced the Department of Parliamentary Services, which has responsibility for all of the matters that he has listed.

Honourable members interjecting.

Mr ANDREWS — What is more, if I can be heard over this rabble opposite, is I am asked to confirm a number of matters, and I am in no position to confirm any of those matters.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, do you have confidence that Mr Eideh will serve out his full term as the Deputy President and as a member of the Legislative Council?

Mr ANDREWS (Premier) — I think we hope that every member elected to this place would serve out their full term. The real question is: will you serve out your full term as Leader of the Opposition?

Ministers statements: economy

Mr PALLAS (Treasurer) — Speaker, it gives me great pleasure to rise to update the house on the outstanding performance of the Victorian economy — another great achievement. The annual financial report was tabled this morning and is yet another vindication of this government's strong financial management. Our surplus for 2016–17 is $2.7 billion, and net debt has dropped to 4 per cent of gross state product. The contrast is stark — we are delivering for Victorians, while those opposite are doing the numbers on their own dodgy leader.

We have created 270 000 jobs since taking office. Of those, 177 000 are full-time. For comparison, those opposite managed 16 000 full-time jobs in four long, lost years. In fact we have created more jobs in the last year than the opposition created in their whole term. It is a team effort. We cannot do this alone, and I am grateful to have great colleagues, but we have also been ably, if inadvertently, assisted by the quality of our opposition. If only the Deputy Leader of the Opposition could say the same. The Leader of the Opposition split from him more quickly than Mal Meninga got out of politics!

Mr Clark — On a point of order, Speaker, the Treasurer is ignoring the guidance you gave to ministers earlier that they should confine themselves to ministers statements in accordance with sessional orders. I ask you to bring the Treasurer back to compliance.

The SPEAKER — The Treasurer should come back to making a ministers statement.

Mr PALLAS — Thank you, Speaker. Just yesterday, I can confirm, I was at a real property industry forum called the Housing Industry Association construction outlook breakfast. I can confirm that there were more than seven attendees. In fact there were hundreds. It discussed real issues and no-one needed to give me $10 000 to turn up. That is how a real government gets involved and behaves, as opposed to those dodgy operators opposite.

Poker machines

Mr HIBBINS (Prahran) — My question is to the Minister for Consumer Affairs, Gaming and Liquor Regulation. Last month the government allowed the approval of 50 pokies to be installed in the Grandview Hotel in Fairfield, against the wishes of the local community. This is despite the Royal Commission into Family Violence showing a link between gambling addiction and family violence —

Honourable members interjecting.

The SPEAKER — Order! I ask members to hear the member for Prahran in silence. I could not hear his question.

Ms Green interjected.

The SPEAKER — The member for Yan Yean will leave the chamber for the period of half an hour.

Honourable member for Yan Yean withdrew from chamber.

Mr HIBBINS — This is despite the Royal Commission into Family Violence showing a link between gambling addiction and family violence, and despite Darebin City Council repeatedly requesting the cap on pokies in Darebin be reduced. Minister, why did you not step in and stop these pokies?

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I thank the member for his question. It has taken 15 months for someone to finally ask me a question. I am absolutely honoured to be standing here as Minister for Consumer Affairs, Gaming and Liquor Regulation and just recently as Minister for Local Government — and I have very big shoes to fill. In relation to the member's question, it is in fact the Victorian Commission for Gambling and Liquor Regulation (VCGLR) that makes those decisions, not me as the gaming minister. It would be extremely inappropriate for me as the gaming minister to intervene in any decision that the VCGLR makes.

In relation to what this government is doing, just recently, over the last few weeks, we have announced some very, very good measures to minimise harm, particularly related to gambling harm in the community. Some of those measures, which the

member probably knows about, limit EFTPOS withdrawals at venues and prohibit the cashing of cheques at gaming venues. They also prohibit inducements involving cashless gaming, such as the use of a credit card to purchase cashless gaming tickets or putting a value on a cashless card. We are also limiting cash, one of the most important tools, to ensure that harm minimisation is reduced in the community, particularly related to problem gambling. We are also looking at regional caps, and that is one of the things Darebin City Council would be extremely pleased about when we make that announcement over the next couple of days.

An honourable member interjected.

Ms KAIROUZ — That is right. Darebin council is one of the councils that are not always easily impressed, but I am sure that they will be with the announcement to be made over the next couple of days.

Supplementary question

Mr HIBBINS (Prahran) — Minister, you have stated that the particular approval of those 50 pokies was not your responsibility, but is it not true that if you had reduced the cap on pokies in Darebin, as the council has repeatedly requested over many months and years, these pokies would have been stopped?

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) — The answer to that question is no.

Ministers statements: education funding

Mr MERLINO (Minister for Education) — I rise to update the house on the progress the Andrews government is making on delivering new schools right across Victoria. In fact as the Attorney-General, the member for Keysborough, recently announced, one such project is the site for the new primary school in Keysborough South, which the Andrews government recently purchased.

Honourable members interjecting.

The SPEAKER — The member for Bass is warned.

Mr MERLINO — The Victorian School Building Authority (VSBA) will now engage with the local Keysborough community about this school.

Honourable members interjecting.

The SPEAKER — The member for Bass will leave the chamber for the period of half an hour.

Honourable member for Bass withdrew from chamber.

Mr MERLINO — Unfortunately there are some with property interests in Keysborough who are not interested in schools at all. In fact one individual, with very close links to organised crime, is lobbying to redevelop green wedge land in Keysborough, a move that would net a windfall of at least $120 million. When he could not get his way with the Minister for Planning, who did he turn to? Cousin Tony, Tony Madafferi, turned to his mate, the Leader of the Opposition. We would all like to know what promises were made over that bottle of Grange.

The VSBA has also been engaging with the community regarding the delivery of our election commitment for a new primary school in Armstrong Creek, which will open next year. Community meetings have been held to discuss things like the design of the school, the school name and enrolment boundaries. It is all open and transparent. But not everything is open and transparent; some meetings in that community have been secret meetings. The member for South Barwon and a member for Western Victoria Region in the Council are not so interested in their local schools; they are interested in the Leader of the Opposition and his future. According to them, Guy is still their man.

Energy prices

Ms RYAN (Euroa) — My question is to the Minister for Energy, Environment and Climate Change. Colbinabbin's Alan Meyers owns and operates a stock feed mill, supplying feed to dairy farmers across the Goulburn Valley and Gippsland. Alan's electricity prices increased by 110 per cent last month, after his existing contract expired. The increase has forced Alan to call in debts, potentially bankrupting several farmers. Minister, with dairy farmers in Victoria already struggling due to milk price cuts, how many more need to face bankruptcy before you acknowledge the energy cost crisis facing Victorian farmers that is happening under your watch?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I thank the member for her question. I do reject the notion that somehow this government is standing idly by when it comes to —

Honourable members interjecting.

The SPEAKER — Order! The member for Euroa has asked a question of the minister. The minister is

answering the question. I will not have her shouted down.

Ms D'AMBROSIO — The fact is we are taking decisive action to get our electricity prices down. It is a bit rich, in fact very rich, when those opposite who have the opportunity right now — today, in fact within a few hours — to vote in support of the very tool that will actually get prices down for all consumers, including dairy farmers, including all farmers right across regional Victoria.

That is, of course, getting the cheapest form of new energy into our system, more supply, which will drive down wholesale prices.

It is also really important for us to reflect on the fact that those people here have got the courage to actually talk about this issue when their mates in Canberra are in total disarray, when in fact they themselves have got no energy policy which will actually do the heavy lifting of reducing energy prices.

Our state is stepping up. We will do it and we will deliver this. Importantly, let us look at the commentary of their own federal leader. In fact today, this morning, on Sky News —

Ms Ryan — On a point of order, Speaker, on the issue of relevance, this question went to the fact that there are dairy farmers across my area and across northern Victoria who are now facing bankruptcy as a result of rising energy prices. Their minister is yet to address that. She is yet to explain what the government are going to do to address their policy, which is directly driving up costs for dairy farmers and people like Alan Meyers, and I would ask you to bring her back to answering that question.

The SPEAKER — Order! The minister began her answer in a responsive manner, but led straight to attacking the opposition. I ask the minister to respond to the question.

Ms D'AMBROSIO — Malcolm Turnbull, their leader federally —

Honourable members interjecting.

Ms D'AMBROSIO — Do you want to learn about energy policy? The fact is this: Malcolm Turnbull himself this morning repeated this statement, that the single —

Mr Southwick — On a point of order, Speaker, I would ask you to bring the minister back to answering the question. This was not about deflecting their responsibility to our federal counterparts. This minister is responsible fairly and squarely for policies that happen here in Victoria, and we want to know what this minister is going to do to help Mr Meyers and all the dairy farmers in Victoria that are facing an energy crisis under their watch. What is this minister going to do? Not Malcolm Turnbull in Canberra — what are you going to do, Minister?

Honourable members interjecting.

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

Ms D'AMBROSIO — The point is that national policy is absolutely relevant and state policy is absolutely relevant. Malcolm Turnbull himself said that the single most critical issue that is driving up electricity prices is the price of gas.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Kew and the Deputy Leader of the Opposition.

Ms D'AMBROSIO — Frankly, Rod Sims and Tony Wood both agree that there is a failure of national leadership when it comes to dealing with the gas issue — the gas issue which the Prime Minister has himself said has led to an increase in electricity prices for everyone. He has failed to deliver on the policy that he claims he was going to introduce to actually drive down energy prices through more gas supply into the system.

Our state will not be distracted by the nonsense and the abject failure of national leadership. Our government will continue to deliver significant reforms and more energy supply into our system through the Victorian renewable energy target (VRET) bill. Those opposite, if they were genuine about their support for their electorates, would go back to their electorates and explain to them why their position on VRET will simply drive up —

Supplementary question

Ms RYAN (Euroa) — For the record, Minister, Alan Meyers's issues relate to electricity, not to gas, but when his contract expires Alan's lowest cost option will be to go off the grid and install dirty diesel generators if he wants to stay afloat. Minister, can you explain how forcing businesses to install diesel generators will help Victoria meet its renewable energy targets?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I thank the

member very much for the supplementary question. I would contest the supposition that is in that question because there is an absolute relationship between the price of gas and the price of producing electricity. I would suggest to the member and all those opposite to actually start to understand the way that the energy system works, because when they start to come to terms with that they will understand and make a decision to get on board —

Mr Southwick — On a point of order, Speaker, I know the minister is confused between gas and electricity and baseload and renewable energy.

The SPEAKER — Order! What is your point of order?

Mr Southwick — Speaker, can I ask you to bring the minister to answering the question about how diesel generators are going to help the minister meet her Victorian renewable energy target — those diesel generators that the dairy farmers will need to implement because she has shut down Hazelwood power station?

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The minister will come back to answering the question.

Ms D'AMBROSIO — Our agenda is very clear. We have a wealth of programs and support for all manner of consumers, including farmers right across our state, to help them tackle energy prices. That is for sure. We have absolutely got the programs in place. I would ask the member to refer their constituent to me. I am very happy to sit down with them and explain all the possibilities for them. In the meantime, we have got a plan to increase supply, which will help to reduce prices for everyone, and we are dealing with the critical issues for —

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

Ministers statements: roads

Mr DONNELLAN (Minister for Roads and Road Safety) — I am keen to update the house on the holiday blitz in terms of construction we will be undertaking over these next three weeks. We are very much using this quieter period to get a whole lot of work done.

With the CityLink–Tullamarine widening, there are going to be substantial impacts on the Bulla Road bridge from 2 October to 20 October. We are going to be closing that bridge for two and a half weeks so that we can actually complete the project earlier and save us approximately three months worth of work.

When you look at the Monash Freeway, we are also doing extensive work on the Monash, and there will be weekend closures at night from 11.30 p.m. because we are doing the work to actually widen the freeway to ensure that we can have that greater capacity.

Also the Melbourne Metro, on which the Minister for Public Transport is doing such a marvellous job, will have impacts on our roads, whether it be Royal Parade, which will be reduced to one lane heading into the city, or whether it be St Kilda Road, heading into the city, which will also be reduced to one lane from 25 September to 14 October. There will be extensive works going on to ensure that we can actually take advantage of this quieter period of the year.

What other productive uses could you undertake during this period of time? What else could you actually do? Since we are coming up to the spring carnival, you might get yourself a new suit. You might head down to High Street, Armadale, and get ready for the Spring Racing Carnival.

Mr Clark — On a point of order, Speaker, I think the minister is now straying from matters relating to his portfolio, and I ask you to bring him back to compliance with sessional orders.

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition has been warned. The minister to continue on a ministers statement.

Mr DONNELLAN — Didn't the member for Malvern look so good this week when he came up to the staff? We know —

Mr Clark — On a point of order, Speaker, it is a Thursday and the minister might be in a mood for levity, but I do ask you to ensure that if he is going to make jokes, he relates them to his portfolio.

The SPEAKER — I uphold the point of order. I ask the minister to make a ministers statement.

Mr DONNELLAN — You could actually look at updating your posters this time of year — those 'look at me' posters: 'Tough on lobster claws: sucking every bit of meat out of them'. That is what you could do. Or you could send out your Praetorian Guard to defend you and actually say, 'We support the leader'. But we will

be doing productive things — we will be getting on with —

The SPEAKER — Order! The minister's time has been completed.

Mr Clark — On a point of order, Speaker, the minister's time has again expired, but I again ask you to caution ministers that they should comply with sessional orders, relate their remarks to their portfolios and not debate issues.

The SPEAKER — I uphold the point of order. I do caution ministers to restrict their comments to making ministers statements.

Before calling the member for Burwood on a point of order, I advise the house that on Tuesday the member for Burwood raised a point of order in relation to a constituency question asked by the member for Carrum that day. I uphold the point of order and rule that the question is inadmissible as it seeks an undertaking from the minister rather than asking for information.

Members, including the member for Burwood and the member for Ripon, have asked for me to follow up constituency questions yet to be answered. I have written to the ministers in relation to those matters, as I have done in relation to issues raised by the member for Melbourne in relation to questions on notice and answers outstanding on those matters as well as an adjournment matter raised by the member for Melbourne and the member for Ferntree Gully.

Mr Watt — On a point of order, Speaker, thank you very much, and I acknowledge the comments you have just made about chasing up my point of order from yesterday with regard to question 12 894, but I have looked at the database again this morning — actually I am looking at the database right now — and I note that question 12 894 has still not been answered. I asked the question on 8 August; it was supposed to be answered on 7 September. It was a very simple question to the Minister for Police. The Minister for Police has been in the chamber in the last two days when I have raised this point of order, and on both occasions she seemed to want to yell the answer at me, but the sessional orders do not allow for the minister to yell the answer; the sessional orders require the minister to actually provide a written answer to my question.

The question is a very simple question:

> How many police stations are there in the Boroondara police service area?

It is a very simple question with no preamble, and it requires a very simple answer, but as yet the minister has been unable to answer the question in the form that is required, and I ask that you once again follow up with the Minister for Police to get her to answer the very simple question that was asked of her. I know that she understands the answer to the question, because she has been yelling it at me across the chamber.

The SPEAKER — Order! The member has made his point of order. I have, as I advised, written to the minister seeking a response.

Mr Burgess — On a point of order, Speaker, I am still waiting on an answer to constituency question 12 910, asked on 9 August, to the serial offender, the Minister for Police, regarding the opening of Somerville police station. As you have heard from other members of the house, the Minister for Police is certainly recalcitrant in this area, and I ask that you ask her to answer these questions.

The SPEAKER — Order! The member has made his point of order.

CONSTITUENCY QUESTIONS

Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — (13 136) My question is to the Minister for Planning. Knox residents have raised concerns with me about the proliferation of unit development throughout our community and the impact that is having on their quality of life and on our leafy green suburbs. Residents have raised concerns about the overdevelopment within the suburb, the impact it is having on local neighbourhood character, the lack of access they have to their homes because of increased on-street parking and the lack of privacy in their backyards. On behalf of residents who have raised these concerns with me, I ask the minister to provide me with an answer as to what action the government has taken to protect the Knox community with regard to overdevelopment so that I can respond to the concerns that have been raised with me by my local constituents.

Essendon electorate

Mr PEARSON (Essendon) — (13 137) I direct my question to the Minister for Families and Children in the other place, and I ask: what is the latest information about the previous investment to lift culturally and linguistically diverse participation rates in early childhood services in the City of Moonee Valley?

Ovens Valley electorate

Mr McCURDY (Ovens Valley) — (13 138) My question is to the Minister for Energy, Environment and Climate Change. Mr Frank Griffiths of Laceby recently invited me to his property, which borders the Fifteen Mile Creek just out of Wangaratta. The Fifteen Mile Creek was commissioned early last century to drain the Greta swamp. The North East Catchment Management Authority (CMA) refuse to accept this as a drain for primary drainage usage to drain the Greta farming area. They want to treat it as a natural watercourse, when in fact it is not. I seek clarification from the minister as to when she will provide funds and support the CMA to provide the necessary maintenance on the Fifteen Mile Creek.

Niddrie electorate

Mr CARROLL (Niddrie) — (13 139) My consistency question is to the Minister for Education, and I ask the minister for an update and information on the $500 000 commitment to upgrade the library and refurbish 13 classrooms at Ave Maria College in Aberfeldie, part of the Labor government's $120 million plan to upgrade Catholic and independent schools. Ave Maria College, under the leadership of the principal, Elizabeth Hanney, is a warm and welcoming college for young women.

One in three Victorian students attend Catholic and independent schools, and the commitment made in December 2016 by the Andrews Labor government was very much welcomed by the local school community. I hereby request an information update on the upgrade to the highly used library and the refurbishment of the 13 classrooms to ensure Ave Maria College has modern, fit-for-purpose classrooms and other facilities such as their library to meet increasing enrolment demand.

Brighton electorate

Ms ASHER (Brighton) — (13 140) The question I have is for the Minister for Housing, and my question of him is: why is he persisting with his proposal of the Towards Home project at 226–228 South Road, Brighton East? The background to this is that he is proposing to have relocatable housing, including housing for a staff member to be on site 24 hours a day, seven days a week, and this is frightening the community. The minister is now in receipt of a petition signed by over 500 local people who object to this project. It is not in a form to be presented to the Parliament, but the minister has this petition. This is on top of 200 people who attended an information meeting, 100 of whom were locked out by the government. Again I urge the minister to look at the material before him, and I ask him: why is he persisting with this project for which there is no community support?

Bentleigh electorate

Mr STAIKOS (Bentleigh) — (13 141) My consistency question is to the Minister for Education, and I ask: how many jobs are being created as a result of the Andrews Labor government's record $2.5 billion investment in building, rebuilding and modernising schools across our state?

Melton electorate

Mr NARDELLA (Melton) — (13 142) My question is to the Minister for Public Transport. Will the minister review the need for additional sealed car parking at the Melton railway station? There have been a number of car parking upgrades at the Melton railway station since 1999 and, just recently, the promised further expansion of the car park has been completed. With the growth in the Melton township and the district, further review needs to be undertaken due to the growth of communities using the Melton railway station. There is plenty of land there for the car park to be extended, and I ask the minister if she will review that.

St Albans electorate

Ms SULEYMAN (St Albans) — (13 143) My constituency question is for the Minister for Roads and Road Safety. When will the minister implement safety measures along Ballarat Road, in particular at the intersections at Perth Avenue, Adelaide Street, Chatsworth Avenue and Reid Street along Ballarat Road in Albion? This particular part of Ballarat Road is very busy, with a local school, a shopping precinct, a retirement village and a local mosque. It is also an industrial area with many factories providing many employment opportunities. There is no safe pedestrian access along Ballarat Road, and it is a very popular thoroughfare through the western corridor. I ask the minister to take the appropriate steps to make these particular intersections at Ballarat Road safer for locals.

South-West Coast electorate

Ms BRITNELL (South-West Coast) — (13 144) My question is for the Minister for Roads and Road Safety, and my question is: what provisions are in contracts to ensure that the cost of additional repairs required on recently rebuilt roads are not passed on to the taxpayer? Across my electorate there are examples

of newly built sections of roads that are now full of potholes, some just after 12 months. My constituents have had enough. They want to know why this continues to happen and if they are being charged when crews have to come back a second or third time to repair the road that was rebuilt only a few months prior.

My constituents deserve a decent, considered and detailed answer, which this minister is often reluctant to provide, as was the case when he recently responded to my question and ignored the question. The minister is more than happy to come into this chamber and put on a show during his statements, but he is reluctant to take real responsibility for his portfolio and address the concerns of country people who are putting their lives at risk driving on roads that are seriously dangerous. But what else would you expect from a city-centric government like this? The seriousness of this cannot continue to be ignored.

Clarinda electorate

Mr LIM (Clarinda) — (13 145) My question is for the Minister for Roads and Road Safety, and it relates to the intersections of Kingston Road and Bernard Street connecting with Warrigal Road in Cheltenham. I ask the minister: what type of investigation can the government or its agencies conduct into improving the traffic flow and safety at the Warrigal Road intersections with these two roads — that is, Kingston Road and Bernard Street in Cheltenham? During peak hour, vehicle traffic banks up at both of these intersections, which are within 100 metres of each other. Often vehicles wishing to turn right from Warrigal Road into Bernard Street block the right-hand through lane for vehicles heading south along Warrigal Road. This is a very dangerous situation and a very important safety issue for me and the constituents in my electorate, so information on a safety investigation would be most welcome.

Mr Watt — On a point of order, Acting Speaker, my point of order is in regards to the constituency question by the member for Niddrie. I refer to *Rulings from the Chair*, page 157:

> Must not seek action. The purpose of constituency questions is to seek information. It is not an opportunity to seek action of ministers, which is the purpose of the adjournment debate. Therefore constituency questions should not request that the minister provide an update or advice or visit a member's electorate. Those are actions.

The member for Niddrie very clearly asked the minister to provide an update. The member actually asked the minister a number of times to provide an update during his 1-minute constituency — I would say question, but it was not really a constituency question. What I would say is that in accordance with page 157 of *Rulings from the Chair* it is very clear that an update is an action, and it is very clear that the comments from the member for Niddrie were not a constituency question and should be ruled out as a constituency question, because he very clearly asked for an update from the minister.

The ACTING SPEAKER (**Ms Spence**) — Thank you, member for Burwood. I will refer that matter to the Speaker for his review.

CAULFIELD RACECOURSE RESERVE BILL 2017

Second reading

Debate resumed.

Mr SOUTHWICK (Caulfield) — As I was saying earlier, the Caulfield Racecourse Reserve is one of the iconic pieces of land in my electorate, and it is something in relation to which we really need to get the balance right between racing, sport and passive recreation. This legislation that we have before the house now is an important step in doing that, and that is why we will be supporting the legislation. It was something that the bipartisan working committee suggested needed to be implemented, and it was certainly something that the member for Oakleigh and I advocated very strongly for.

What I was saying earlier is that the concern I have in particular is that we do not have a commercial lease negotiated between the Melbourne Racing Club and the department, effectively the government. The situation now is that there is still a peppercorn rent being paid.

The legislation the government is putting forward will in fact ensure that we have new trustees, independent trustees, who will act effectively as directors implementing the appropriate governance and managing the way forward for the reserve itself. Again, acknowledging that they will bring certain expertise to the table, they will be effectively part-time managers as they will be conducting other work. The fact that we have an interim arrangement that has been in place for the more than 14 or 15 months since the bipartisan working committee reported and that within that period of time the government could not negotiate a commercial lease really concerns me because we could be potentially setting up these directors to fail. I would hope not, and certainly from our side we will do everything possible to give them the support that they need, but I say this: the future management of this piece

of land — the allocation that will be used for sport, for public access and for racing — needs to be negotiated.

The fact is we have a Tabaret sitting there that creates a whole lot of revenue for the Melbourne Racing Club, we have the Guineas car park and we have Monash University effectively paying rent to the Melbourne Racing Club, but it is all Crown land let on a peppercorn rent of $100 000 a year. Most shops in our electorates would be paying more than what the whole of Caulfield Racecourse is going for. The fact that this has been allowed to go on for five-plus years and the fact that there is no lease in place and there has not been a lease in place for over five years is really concerning. I know that the department could not arrive at an agreement in negotiating a lease and is hoping that this bill will be able to solve that — and certainly we hope that too — but it is disappointing that, while we have this important piece of legislation, we do not have a deal set.

What I would have liked to have seen and what I want to point out is what we said in our report, which was very particular around this issue. We said:

> The working group felt that the history, complexity and volatility surrounding the reserve make the department the most appropriate interim manager, as a first step to appointing a new body. It is considered unlikely that capable, well-credentialed and independent people would accept appointment to a new body without these significant longstanding structural issues being first resolved.

The fact is that we have not resolved these issues. We also said that:

> The department, as interim land manager, has significant advantages. It would enable discussions and negotiations with MRC to settle the lease and licence arrangements. The working group understands that the department has a well-established lease determination process that involves the valuer-general Victoria. This matter could be resolved prior to handing the management of the reserve to an appropriate independent organisation.

They were under 4.3.1, 'The department as interim land manager'. That was on the basis of what we felt going forward. I understand that the minister at the table, Minister D'Ambrosio, has accepted this report, and we appreciate the fact that she did take these recommendations up, because they were certainly well considered with a lot of input from the community. This issue is something that will not go away. The fact is that we do not know how the land is going to be carved up — who is getting what, what racing needs and ultimately what the community needs to activate sport — and I am going to spend some time talking about that.

I did want to particularly thank all of those who appeared before the bipartisan working committee, including the Minister for Racing, Martin Pakula; the member for Gippsland East, the shadow Minister for Racing; the member for Gembrook, the shadow minister for the environment; the trustees who appeared; the Melbourne Racing Club; councillor Jim Magee, who is in the gallery today and who was, I believe, the mayor at the time, and he has certainly been very active in this particular issue and has been advocating to open up the racecourse to the public; and the City of Glen Eira.

I wanted to also put on record my thanks to other mayors, including the current mayor, Mary Delahunty, who is also here in the chamber, for her advocacy on this important issue as well as Neil Pilling, Jamie Hyams and, as I said earlier, Cr David Feldman, who wrote an article when he was first mayor advocating for this to happen. We have had successive mayors of the City of Glen Eira who have been very, very strong on this issue, and it has been important because the city knows how important it is to open up this space. The residents, my constituents, also know how important it is, and I think it is now really important that we ensure this happens.

I also thank the Glen Eira Residents Association, which has been very active in representing local constituents; Paul Caine, Janice Caine and James Walker from Glen Eira Environment Group, who appeared before the working group; David Wilde, Spike Cramphorn, who is also known as Michael Cramphorn, and Barbara Gibson, who have been leading the Friends of Caulfield Park in advocating for this; of course Racing Victoria, who play an important role here as well, because racing, as I said before, is a key element of state revenue, and we certainly cannot downplay any of that; and also people within the department.

I also acknowledge people who have been fighting the good fight for the Caulfield Racecourse Reserve Trust for a number of years now. Don Dunstan and Sandy Anderson have been out on this for a long time. Frank Penhalluriack as a councillor was fighting to open up the racecourse and has certainly been advocating very strongly for this for a very, very long time, and I am sure he would be very happy now this bill has been put forward to the Parliament. Bette Hatfield, Mary Healy and Roslyn Gold, whether it be with the Glen Eira Residents Association or in their own capacity, have been fighting hard, as have Peter Broheur and Cheryl Forge, with Cheryl having advocated very hard for this as a former councillor. There have been a number of people who have been talking about this. Certainly I get

it a lot in my office, and I think it is important to put on record the contributions that they have made.

Before I turn specifically to what we could be looking at for the centre proper of the racecourse, I want to bring the house's attention to a book written about the local area, *A Soldier Lived in My House*, which is a history of Caulfield. In the book there is a specific section on the Caulfield Racecourse, which says that the Caulfield Racecourse had been a longstanding premier location for horseracing in Victoria since the first race in 1859. The book also talks about how the racecourse was used during war days. In World War I it was used predominantly as a fundraising opportunity to give back to the cause. There were times when free entry was provided to help fundraising efforts through other means. In World War II they used the racecourse as a recruiting station for many soldiers. It has a big history. Events are also held there, including the P B Lawrence Stakes Day, an annual event which we run to recognise the role of soldiers during times of war, and the racecourse will continue to hold that event.

There have been other community events held there as well. For a couple of years we ran fun runs with the Glen Eira Rotary Club and Bendigo Bank. In two years we raised just on $100 000 for the community. That was done through a lot of community organisations that put in teams, and they kept the money. We did that with the racecourse organisation. We did a fun run around the Caulfield Racecourse that brought awareness to it. It was not just about fundraising for local communities and charities; it was also about awareness and to say, 'We have this unique opportunity to open up the racecourse and we should look at doing it'.

In my last few minutes I will just talk about some of the issues, particularly for sporting clubs. We have a 54 hectare parcel of land. Glen Eira City Council has just 45 sporting grounds to service more than 60 registered clubs, so already we have a huge shortage. We have the likes of AJAX Amateur Football Club, whose president, Ronnie Lewis, said that over 70 per cent of its players reside in Glen Eira and that having junior and senior teams at the same ground would really help. Currently the juniors play at Caulfield and the seniors play at Albert Park. It would completely change the landscape of community footy if they were able to play locally at the racecourse. Recently AJAX established the Jackettes, a women's team. It would be great to get increased women's sport. This could be a really good opportunity to do that at Caulfield Racecourse.

Monash University has cricket and football clubs and a lot of sporting activities. It is right next door to Caulfield Racecourse. Its student club has said on numerous occasions that they would like to be able to play sport there. Elsternwick Amateur Footy Club life member Richard Patey said that they struggle for grounds and could expand if they had access to Caulfield Racecourse. The Caulfield Bears Football and Netball Club play at Princes Park. Louise Nelson, the president of the Caulfield Bears Junior Football Club, who is the first female to take on the role since the club was founded in 1961, has a growing and expanding club that could absolutely do with more space. In 2017 they fielded their first-ever girls team. Again, with more participation of women in football, there is a need more than ever for sporting grounds. It would be great for the Caulfield Racecourse Reserve to be able to house these teams.

Then there is the Ormond Amateur Football Club and the Ormond Cricket Club. The Ormond Amateur Football Club is the second-oldest suburban club in the Victorian Amateur Football Association. It was founded in 1931. Players wear the unique brown and blue colours, which were derived back in the war days when one of the reserve units wore them. It has a great history. The club has seniors, reserves and thirds, an under-19s team and a women's team, which was introduced in 2017. It is great to see all these clubs introducing women's teams. Again, that means there is more requirement for access to grounds, and there is no better place than at the Caulfield Racecourse Reserve. The Ormond Amateur Football Club has been very successful. Richard Simon has been its president since 2014 and he would be very keen to see the racecourse opened up for use.

Glen Eira College, which is a next-door neighbour of the racecourse, struggles. They currently have to limit their recreational activities. It is great to see they have a new campus across the road, thanks to a building contribution, but again that takes away more of their open space. They are desperate for open space. Caulfield Racecourse Reserve could help Glen Eira College. I have had numerous discussions with principal Sheereen Kindler on how we could use the racecourse.

I will just mention a couple of others. Maccabi Basketball Club, the Ormond Jets, the Melbourne Tigers, the Saints and McKinnon Basketball Association all say there is a shortage of basketball facilities in the area. A lot of those clubs have to play a long way out. That certainly is something that could be looked at as well.

There is no shortage of people lining up to say they want to play sport in the middle of the racecourse. It needs to be a destination venue. It needs to be used for fixture sport, because that is what people will turn up for. It could be shared beautifully with racing. It would

enhance racing, because it would bring families to the racetrack. It is a great opportunity to do this. It is just the beginning. That is why we are supporting this. We as an opposition will do everything we can to work with the government and with whoever wants to work with us to ensure this vital piece of land is opened up to the public and to the community.

As I say, this is the single biggest issue for me locally. I do not take this lightly. I certainly will not be playing politics with it. I just want to see it opened up. I want kids to be able to play there, I want families to be able to go there and I also want it to enhance racing, which is a vital industry for Victoria. I think all could live harmoniously together if we get this right and ensure that we do the very best we can to open up this space.

Mr DIMOPOULOS (Oakleigh) — It is an absolute delight for me to speak on the Caulfield Racecourse Reserve Bill 2017. It is a big issue and a strategic opportunity that I am so pleased we are taking. I am also pleased to follow the local member, the member for Caulfield, in this debate.

One hundred and thirty eight years ago this piece of land was set aside for three uses — for horseracing, as a public park and for recreation. Twenty years earlier it was designated for racing alone, but later it was redesignated for those three purposes. I cannot account for about 100 of those 138 years, but I can for the other 30-odd, because I grew up in the area. I can account for the fact that the reserve has been effectively used for — if I was going to put a number on it — 99 per cent racing, 0.5 per cent as a public park and 0.5 per cent for recreation. This bill seeks to restore the balance that was initially intended under the Crown grant, the forefathers and foremothers who had this exceptional foresight to quarantine an enormous parcel of land — as the member for Caulfield said, 54 hectares, or around 15 MCGs worth — in what is now a densely populated part of Melbourne.

However, the reality is it has not assisted in resolving any of the issues we have in terms of access to sports grounds and the lack of open space in Glen Eira, as the member for Caulfield said, because it has been primarily locked up by the Melbourne Racing Club (MRC), for a large part of its history. This bill is a first step — a very significant one — in unlocking that reserve.

I will provide just a bit of a quick history. The Auditor-General in his report found that:

> The trust has not articulated its purpose, priorities and vision for the reserve. This, along with a lack of adequate management systems and processes, and the absence of a formal governance framework … have … compromised its ability to effectively manage the reserve.

As an example the trustees and the principal tenant, the Melbourne Racing Club, have been unable over several years to negotiate a lease covering the main grandstand complex, and both parties have acknowledged that there is no prospect of agreement being reached.

Just while I am on the lease, I want to offer a different view from the member for Caulfield. My understanding is that the only people who could offer a lease to the Melbourne Racing Club were the trustees. I am not having a direct go at trustees but the systemic issues in that organisation in terms of the structure of the trust. We had six from government, six from the MRC and three from the council. The fact was it did not work; they could not offer the lease. The minister was not able in law to offer a lease. This bill is the access point by which the minister can now provide the lease. So the only people that could provide the lease were the trustees, and they were providing short-term leases for the Melbourne Racing Club, which I understand the Melbourne Racing Club were happy with, by the way. But I take the member for Caulfield's broader point: it is about value capture for the community; it is about actually having a return for the community in that lease. This government is the one that is actually now putting in law that the minister can do that and return an income to the community and to the Crown.

In terms of the governance issues, there were a whole range of governance issues, but we did not need the Auditor-General to tell us that. As the member for Caulfield said, the community has been telling us that for years and years. Even prior to being elected as the member for Oakleigh I had come to know some of those community groups, who then came to see me as the member for Oakleigh, the boundary of my electorate being 300-odd metres from the Caulfield Racecourse Reserve. I have to grant it to them: they have done an extraordinary job advocating on this issue, and this government listened. When we came to power we said, 'This isn't good enough'. It is absolutely appropriate that the member for Caulfield take some credit for this, but we set up a bipartisan working group with the then Minister for Environment, Climate Change and Water, which has been continued very effectively by the current minister, who is at the table. That is essentially the vehicle for this bill being before us today — that bipartisan working group.

The main elements of the bill — I am just going to focus on a couple of them in the limited time that I have got — are effectively to provide for the future use and management of the Caulfield Racecourse

Reserve; establish a new independent management body, because we know the previous one just did not work because of how it was structured; provide for modern governance arrangements for the new trust; and provide a mechanism to define areas of the reserve that may be used for each of the purposes for which the land is permanently reserved, which as I said at the beginning are racing, recreation and a public park. But it goes deeper than that. Part 3 of the bill provides for the reporting obligations of the new trust, including the preparation of corporate business plans by the trust and the power for the minister to issue a statement of obligation to the trust. This is really important, because the trust was really a law onto itself. The only way you could get rid of the trust was by a death or resignation, so the executive branch did not have authority in that regard.

The reporting obligations also include preparation by the trust of a strategic land management plan. Just briefly, what gives me great comfort is that the community will have an absolute abundance of say in this. The bill provides that the trust, when preparing a draft strategic land management plan, must consult with not only the minister, who is in the chamber, but also the Minister for Racing, the local council, any lessee or licensee of the reserve and any other person or stakeholder the trust considers likely to be affected by the plan. It should go without saying, but I will say it in *Hansard*: the other stakeholders must be the ones that were consulted by the bipartisan working group — there must be others. This is the general community, which has really not had the opportunity to have a say so far.

This is the bill that we are debating today. It really does open the access point for the community to start using some of this 15 MCGs worth of space. Yes, of course, as has been said, there are elements that will not be used by the community at large, because it is either the grandstand or the clubrooms — those places. It is an enormous facility. I think the first time I went there was when I was a uni student doing my exams. The first time I went as the member for the adjacent electorate I could not find my way in. They said, 'No, no; you just drive over this mechanical contraption and the gate just opens'. But it looks like it is an exclusive private club. I do not want to heap it on the MRC; they are really doing what is appropriate for racing and their members, which is running a really good racecourse and a racing club, and they do it effectively. However, government has a responsibility and the Parliament has a responsibility to broaden the depth of usage of this jewel in the crown of the south-east, and we are doing that today by trying to restore the balance of usage across the three areas that I described earlier.

In the limited time I have got I do want to commend the minister, who has taken the bull by the horns on this issue very, very effectively. I wish her well in her appointment of the new trustees, because that is going to be a very important body. I also draw the attention of the trustees — whoever they are in the future — to very important observations from the bipartisan working group about what should happen in the future. Now, that is really a matter for the trustees, but they include the eventual removal of the training facilities at Caulfield, putting conditions on some parts of the leases, and a whole range of other things. Section 5 of the report, under the heading 'Observations', for the new trustees is very, very important, and I draw their attention, when they are appointed, to that.

Finally, I want to commend the bipartisan working group. I really do want to commend the member for Caulfield. He has been very good on this, as has, obviously, the chairman, Ken Ryan, who led us very effectively. I want to thank the mayor of the City of Glen Eira, Cr Mary Delahunty, who is in the gallery; and Cr Jim Magee, who is colourful and has camped outside the Caulfield Racecourse. His advocacy has been very effective, as has the advocacy of other councillors. I also note the advocacy of the fantastic community organisations that came to see me and who also came to the bipartisan working group — they prepared effectively — including the Glen Eira Residents Association, the Glen Eira Environment Group and the Friends of Caulfield Park. This bill is their victory.

Mr T. BULL (Gippsland East) — It is a pleasure to rise and make a contribution on the Caulfield Racecourse Reserve Bill 2017. As we have heard from the previous two speakers, this bill is to establish a new framework with the necessary powers to manage the Caulfield Racecourse Reserve for the purposes it has indeed been reserved for — as a racecourse with public recreation. As the member for Caulfield inferred in his opening remarks, it is a bill that we will be supporting. The way that this facility should always be managed is primarily as a racecourse, while enhancing public recreation opportunities around that primary use. As the previous speaker noted, racing was first held at the venue back in 1859, and in the past 158 years it has developed into not only one of Australia's premier racing venues but also a venue that is indeed recognised on the world stage.

Of course going back to the 1800s the scenery was obviously very, very different. Many people when they talk about Caulfield Racecourse refer to it as 'the Heath', as those involved in the industry certainly do. When the jockeys were riding through the scrub in the

sandhills that prevailed out there at the time — if you can possibly cast your mind back — that is where the name 'the Heath' originated from. The venue hosts a massive range of feature races. It is obviously best known for one of the world's premier staying races, the Caulfield Cup, at over a mile and a half, which is being run next month, and I would encourage everybody to go. The quality of racing at a world-class venue like Caulfield, and I guess the incredible racing history that goes back such a long time, is the reason that this venue should always be regarded primarily as a racing venue, and we should make no mistake about that.

I want to touch on one comment made before by the member for Oakleigh in his contribution, where he said the lease to the Melbourne Racing Club was not able to be dealt with prior to the trust being put in place. My understanding is that indeed one of the recommendations of the bipartisan working group, and one of the recommendations that the government accepted and adopted, clearly states that the lease issue could be resolved prior to the handing of management of the reserve to an appropriate independent organisation. When you read that recommendation it would indicate that it should not have been an impediment to that lease being handled and dealt with. Of course that is something that needs to be dealt with imminently, because for obvious reasons that club needs security of tenure around the racecourse.

The bill before us today specifies the functions and powers of the trust including planning, development, management, operational care and promotion and use of the reserve for the purposes of racing, recreation and public park. As we know it is a 54-hectare space, and it has been well documented right throughout this entire process that the City of Glen Eira has the lowest amount of open space per head of population in metropolitan Melbourne. There is no doubt that whilst we regard Caulfield Racecourse Reserve primarily as a premier racing venue that this 54-hectare reserve can also play a very important role in alleviating that problem, and I do not think anybody would argue with that at all.

The legislation will allow for the new body to govern this footprint of land — this parcel of land — to allow it to be more, I guess, effectively used than it has been in the past, whether that be for junior sport or open public space and the like but for more community activities generally. We know that the Glen Eira council does not have enough grounds to accommodate all the teams and all the clubs that it would like to have, and we do well know that involvement in sport and sporting clubs is an extremely critical element of our social fabric. It encourages people to work together, and it encourages people to be around good role models, especially in our junior sport. It gets them involved in community activities. I think in a lot of ways involvement in sport and in particular junior sport can address a lot of the wider problems that we have in society, because you form friendships, you are, as I said, around good role models and I think sport in a lot of cases just generally helps make people better people. We need to foster that, and we need to cater for all those clubs and organisations that are doing good things in the area of junior sport.

The trust, and no doubt the community more generally in consultation with the council, should be able to improve usage of this site. As we know it is a very significant site, so hopefully this will be a step forward. When we have a scenario like this there will no doubt be some cases in the future where there will be issues around competing interests that need to be addressed, and that is something that all the stakeholders obviously need to work through. So whilst we maintain this facility as a world international-class racing venue, there is no doubt we can have better usage of the internal area in particular to perhaps cater for that great sporting need that we have to fill with too many teams and not enough venues.

Before I finish I guess it would be a little bit remiss as the shadow Minister for Racing to be talking on a bill involving racing on the eve of the spring carnival and not mention it. It is a great time of the year, and we had a terrific function here in Parliament earlier this week where we acknowledged what an extraordinary and important industry the racing industry is for our great state of Victoria. There is no doubt when we talk about racing that spring is certainly the best time of the year. I just want to put a couple of points on the record, if I may, about the importance of this sector. It generates over $2 billion in value to the Victorian economy; that is an incredibly significant amount when you just think about that figure — $2 billion, not million. The racing industry employs around 20 000 full-time equivalent staff, and it provides $1.1 billion per annum in household income. That is an extremely significant contribution. It generates $1.5 billion in spending.

When we think about spending on racing we often think about the glitz and glamour and the fashion that goes along with spring carnival, but this also incorporates the spend that we have on racehorses with our breeding industry and the rearing of our horses and the like, and the spin-off employment on top of the direct employment is absolutely significant. Importantly, nearly half of all this spending and economic investment occurs in rural and regional Victoria. We have got 63-odd racing tracks that are

spread right around the length and breadth of the state — from the picnic clubs up in my electorate of East Gippsland, down to Warrnambool, up to Mildura and pretty much everywhere in between — and a lot of these racing clubs have become the heart and soul of our communities to a large degree. I spoke at the function earlier this week in Parliament about how the picnic race meeting up in my area provides important annual funding to two local bush nursing centres. When you go into those communities you will have people stand up and say, 'I wouldn't be here today if I had not had the opportunity to be treated with my urgent situation at this centre by the bush nurse'. So when you know that picnic racing in those towns provides support to those very important community services, you see it is another element of the racing industry that we do not often touch on but one that we certainly should recognise.

I will say the racing industry truly is one of Victoria's best and most important industries. I think it should always have the strong support of every MP who enters this house because it does employ so many people, it is extremely well-run and it is to a large degree the envy of other jurisdictions, not only around Australia but also around the world, which in many cases look to racing in Victoria as world's best practice. There is no doubt that the Melbourne Racing Club and Caulfield Racecourse play a large role in that, and that is why — while we open it up to more community use — we should ensure that Caulfield Racecourse will always be a racing venue.

Mr STAIKOS (Bentleigh) — It is a pleasure to speak on the Caulfield Racecourse Reserve Bill 2017, and in doing so I acknowledge the spirit of bipartisanship with which members have approached this important issue. It is fair to say this issue has followed me around for a long time. It has followed me around since I was first elected to Glen Eira council back in 2005, when I was even younger than I am now. But I also served as a member of the Caulfield Racecourse Reserve Trust. Between 2007 and 2009 I was a council-nominated trustee, and then between 2010 until well before my election to Parliament in 2014 I was a government-appointed trustee. My government appointment was indeed a lifetime appointment. I had never intended on staying on the trust for life, but I think that in itself just shows the shortcomings of the previous arrangement that this bill will be replacing.

As I said, I do acknowledge the bipartisanship on this issue. However, I would like to pick up on something that the previous speaker said consistently throughout his 10 minute contribution — that is, that Caulfield will remain primarily a racecourse. I do respectfully disagree with him. Indeed in all my years of being involved in this issue the argument prosecuted by the community, by the council and by the government-appointed trustees is that the Crown grant specified three purposes. This bill and the Auditor-General's report beyond any reasonable doubt say that there are three purposes for the use for this racecourse. The very first part of this bill states:

> The purposes of this Act are—
>
> (a) to establish a Trust to manage the Caulfield Racecourse Reserve for racing, recreation, and public park purposes …

The report from the Auditor-General in 2014 states the following:

> The trust has not been effective in its overall management of the reserve.
>
> Historically, the trust's decisions have disproportionately favoured racing interests with insufficient attention paid to fulfilling the community-related purposes of the reserve. Consequently, the trust could not demonstrate that it had been effective in fulfilling all of its obligations under the Crown grant.

I think that speaks volumes on the issue that we are debating today, that perhaps for the last 120 or so years we have thought of this 54 hectares of community-owned land as primarily a racecourse which is used for something like 24 race days a year, while all the while the municipality in which it is located has the lowest amount of public open space per capita of any other municipality in Melbourne. That is what we are addressing today.

It is fair to say that during my years on the trust I was quite concerned with the governance arrangements, or frankly the lack of governance arrangements, of the trust. Of course as we have heard before, the trust was made up of 15 members — three nominated by council, six appointed by the government and six appointed by the Melbourne Racing Club (MRC). Towards the end of my time as a trustee we were going through a new lease. It was a very, very difficult process, because it was clear that there were six members of the trust who were struggling with their role as, if you like, the landlords and balancing that with their role as the tenants. When I say struggling with it, I should probably say that they did fail dismally in managing that balancing act. I do not really blame them for that, but I do blame the system that successive governments have allowed to continue for a very long period of time.

While the member for Caulfield, who spoke very well for half an hour, raised the criticism that this has taken too long — in fact I think he called it two years of

inaction — the fact is that this issue did not move until this government was elected in 2014 and the bipartisan working group was established. Here we are today debating this bill, which will establish a new governance framework — a new trust — that will ensure that it reflects not only the community's expectations but also contemporary standards of governance.

As I said earlier, the municipality of Glen Eira has the lowest amount of public open space per capita. I have had many discussions with sports clubs in my electorate who struggle with the demand that they receive for families wanting their kids to play soccer, cricket or footy. Indeed East Bentleigh Soccer Club have to cap their team every year. There are kids who want to play for East Bentleigh Soccer Club, but just cannot do that. They have to go to other municipalities because there is simply not enough land, off-season training space or space for game days. All the while there is 54 hectares of Crown land sitting in Caulfield. I am very hopeful that as a result of this legislation and the new requirement in this legislation that did not exist before to establish a strategic land management plan, we will finally see a greater use of that land for our many sports clubs in the City of Glen Eira.

In preparing for my contribution today I remembered something from nearly 10 years ago when I was a City of Glen Eira councillor, and that was the signing of the joint communiqué between the Glen Eira City Council and the Melbourne Racing Club. At the time as a council we regarded the signing of this agreement as quite a significant step in recognising that the 54 hectares is not just for racing but also for public recreation purposes, and that the one thing that needs to happen to ensure that our sporting clubs can actually get into the racecourse reserve is moving training out of Caulfield. I know that the Melbourne Racing Club has in the past indicated a desire to see that happen. I will quote from this joint communiqué.

Part (a) states:

> The prospect for horse training at Caulfield is that it will continue for the medium term and thereafter with full consultation with the whole of the racing Industry and the Caulfield trainers, a decision is expected to be made to relocate training to a more suitable locality away from the metropolitan area.

Part (b) states:

> The MRC and council support any industry initiative to relocate training from the Caulfield Racecourse and desire this to happen as expediently as can be facilitated by the industry. The MRC will provide council with an annual update on progress.

I am reliably advised that over the 10 years since this agreement there has been no such annual update provided to Glen Eira City Council. Finally, part (c) states:

> After training at Caulfield Racecourse has been relocated, the MRC and council agree that the land now occupied by the stables in the south-east corner of the Caulfield Racecourse Reserve will, subject to approval by the trustees, be hatched from the Caulfield Racecourse Reserve and be incorporated into Glenhuntly Park under the responsibility of the council.

That is dated 27 June 2008 and has been signed by the then CEO of Glen Eira City Council, Andrew Newton, and the then CEO of the Melbourne Racing Club, Warren Brown. Unfortunately there has been no progress on the content of this joint communiqué, but I am hopeful that through the new contemporary governance arrangements that this bill establishes for Caulfield Racecourse, in particular the requirement that the trust prepare a strategic land management plan, we will finally see for the first time real effort to get training out of Caulfield and perhaps — given the member for Gippsland East has pointed out how important racing is for regional communities — give some training to regional communities to create jobs in regional communities and at the same time ensure that we have public open space for the active and passive recreation that our community deserves.

I am very pleased that we are finally seeing some resolution to this long-running issue. This bill provides an appropriate governance framework that we have not had for some time, and I commend it to the house.

Mr HIBBINS (Prahran) — I rise to speak briefly on the Caulfield Racecourse Reserve Bill 2017 because I really understand the absolute importance of open space and recreational space in our area. This bill will have a positive effect not just on the Glen Eira municipality and the Glen Eira community, but those in Stonnington, Monash, Port Phillip and surrounding areas.

As the previous speaker rightly pointed out, Glen Eira has the lowest amount of public space per person and Stonnington, where I was a member of council for two years, has the second lowest. Certainly I am sure Glen Eira would have done this and Stonnington did this as well — that is, put a very strong emphasis on, and in fact I think it was the top priority when I was on the Stonnington council, creating new open space, whether through public acquisition overlays, a public space plan or lobbying to get developer contributions increased for open space, which they were successful in doing. The real issue in our areas is that unfortunately land is very expensive and there is just not that much available to purchase, so it is a real challenge in those municipalities

to increase the amount of open space, which is absolutely fundamental to the livability of those areas.

There is also real pressure being put on our sporting facilities. As our population is growing, particularly in the inner city as more and more families are living in those areas, there is incredible pressure on our sporting grounds. Particularly with the growth of women's sport and women's football, it is a real struggle. Again when I cast my eye across Google Maps, looking at where perhaps we could put in another footy ground or another soccer pitch, it is very slim pickings indeed. That is why I think this bill is so terrific, and the work that the Glen Eira community have done — the advocacy that they have done to make this a reality — deserves to be recognised and is so important.

This bill will allow the reserve to return to the tri-purposes of functioning as not just a racecourse but as a public park and a public recreation ground, with equal weight given to each. This is a very large tract of land, unique in our city, that can now be used for public recreation. It has been known for a very long time as a racetrack, but it is now time to establish this reserve as a premier recreational facility in Melbourne's south-east.

One thing I will pick up on — just a very small, minor fact — is it is a bit disappointing that the opportunity has not been taken to change the name of Caulfield Racecourse Reserve to something that better reflects the actual purposes of its use. Perhaps something like the 'Caulfield Racecourse and Recreation Reserve' would have been more appropriate. This bill will allow areas to be defined for each of the purposes for which the land is now permanently reserved, and it will be an absolute prime opportunity to redefine the reserve as more than a racecourse. I think a new name would have been a real symbolic gesture to hand this land back to the community.

Some concerns have been documented about how the racecourse has been managed, about the disproportionate focus on the racing aspects of the reserve and how the public park and recreation elements have been neglected. In recalling the discussions I have had with people, there have been issues with signage and access to the public park lands, and facilities have really not adequately met the wishes of the community and what they want to see for that land. So with the establishment of a new independent body of management, with the powers and the duties to manage this reserve, I certainly hope this new approach will alleviate the current tensions we are seeing between the government, the council and the Melbourne Racing Club, as well as removing any potential conflicts of interest.

Certainly I would be encouraging the new management body to undertake comprehensive community engagement to make sure and ascertain what the current uses and the failings are, and to develop that plan to make this reserve a really key recreational facility in the south-east, because this reserve, as many members of the community know and as many members of the community have worked for, can be so much more than just a racetrack. The Greens will be supporting this bill.

Mr CARBINES (Ivanhoe) — I am pleased to make a brief contribution on the Caulfield Racecourse Reserve Bill 2017. I note in my opening remarks that the government released a statement on 22 August 2017 to announce that there will be a new body to oversee the Caulfield Racecourse. The minister at the table, the Minister for Energy, Environment and Climate Change, made the point that:

> This new independent body will ensure this landmark site is managed for the purposes it was originally reserved — a racecourse, and for public recreation and open space.
>
> The proposed changes will improve governance of the reserve, bringing it into line with those similar major Crown land recreation precincts such as the MCG and MSAC.

The Attorney-General and Minister for Racing also noted that:

> For 138 years, Caulfield Reserve has been the home of the famous Caulfield Cup — and these new arrangements will ensure racing continues to thrive at Caulfield while allowing appropriate community use.

That brings us of course to today, where we have introduced and are debating the Caulfield Racecourse Reserve Bill 2017. The particular objectives of this bill are to provide for the future use and management of the Caulfield Racecourse Reserve, to establish the new independent management body with requisite powers, duties and functions to manage that reserve, and of course to provide modern governance arrangements for the new trust. There will also be a mechanism to define the areas of the reserve that may be used for each of the purposes for which the land is currently reserved — racing, recreation and public park purposes.

In particular we note that there has been general support for this bill from other members in this place and other parties. There have been some concerns potentially from the Melbourne Racing Club about some of the new management arrangements and how that may affect some historical uses of the reserve as a racecourse, but I see that some of those matters have been addressed, because of course the primary purpose of the bill is to establish a modern effective governance framework that has been sadly lacking in relation to this piece of public land for some time.

Also in the commentary in relation to the bill it has been pointed out that the bill addresses the recommendations of the 2014 investigation by the Auditor-General's office into the management of the reserve by Crown Grant Trustees, which also delivers on the recommendations of the bipartisan working group established to report on the implementation of the Auditor-General's report. Further, it was also pointed out that the principal recommendations of the bipartisan working group's report outlined the most appropriate form of management for the reserve, being an independent trust established under legislation with specific accountabilities and functions. It is clearly important to make sure that governance arrangements are in place that provide some accountability for public land and also provide a mechanism to ensure that the governments of the day are held accountable for their obligations in relation to the needs, desires and aspirations of the trust and the way in which it works to secure improvements and management of that public land. This is a very significant issue that has been discussed for some time. Some of the other aspects that were touched on by the Auditor-General were not just about modernising the governance practices and improving the public access arrangements but also about a range of other matters that were raised.

The working group consisted of several people, including the members for Caulfield and Oakleigh, and we thank them for their work on that working group to establish the new management arrangements. We also thank the chair, Ken Ryan. That working group met with the trustees and conducted a series of meetings with interested parties, so people should feel confident that there has been very significant consultation in relation to these matters and the extent to which the trustees and the department have implemented the Auditor-General's recommendations. The working group also undertook some benchmarking of governance arrangements with organisations such as the State Sports Centre Trust, the Melbourne and Olympic Parks Trust and the MCG Trust. Those reports were submitted to the minister back in August last year.

Through that working group it was found that there had been some progress in implementing some of the Auditor-General's recommendations, although there had not been sufficient action taken to address the matters that the Auditor-General had raised. In looking at a range of different management options, ultimately it was determined that there would need to be a new land manager for the reserve in the form of the independent trust, which we are discussing in this debate on the bill. What is particularly important is that the bill provides for the future use and management of the Caulfield Racecourse Reserve through the establishment of that new independent body, which will also make sure that a lot of the obligations that were outlined by the Auditor-General are dealt with by this bill.

The minister does have the power to grant a lease for up to 65 years to the Melbourne Racing Club before the trust is established, and if a lease is granted, the bill provides that the lease will be saved upon the establishment of the trust and that the trust will become the lessor. This will support the smooth transition from the current arrangements for racing on the reserve to the new governance framework. What is also important is that part 7 of the bill also includes transitional provisions which preserve two existing leases issued to the Melbourne Racing Club, together with consequential amendments to other acts.

The outgoing trustees should be thanked for the work that they have done in managing the reserve over the years, particularly during the difficult period of transition to the new management arrangements. The government is confident that the new management structure will improve the management of the reserve and ensure that it can continue to host some of Australia's best racing. But what is absolutely important is that those who are not racegoers but seek access to open space will have their interests taken into account and provided for through the mechanisms of the new trust, as outlined in this bill.

They are some of the key points that we need to understand in relation to these matters. I also want to just touch on a couple of the clauses in the bill and to comment on a couple of the statements that have been made in relation to the history of these matters. They go back to 24 March 2016 when the then Minister for Environment, Climate Change and Water, the member for Bellarine, announced the formation of a working group to look at models of governance. This is how the bill came to be drafted. As I said earlier, I am particularly pleased with the work that the group has done.

In deference to other members who would like to make a contribution to the debate on this bill, I will conclude my remarks there. But can I say that the action taken to have appropriate governance structures put in place and to make sure that the land is meeting the community's needs for access to open space is to be commended. I commend the bill to the house.

Mr BURGESS (Hastings) — I thank the member for Ivanhoe for allowing other members to have their say today. I will make my contribution short because there are others who would like to follow me. My comments are on the Caulfield Racecourse Reserve Bill 2017. The purpose of the bill is to establish a modern

and transparent governance framework which provides the new reserve trust with the necessary powers to manage the Caulfield Racecourse Reserve for the purposes for which it has been reserved. The City of Glen Eira is very low on open space for sports and other recreational pursuits, and yet there are 54 hectares reserved in the Caulfield Racecourse — a great racecourse and one that we want to see continue operating well and truly into the future.

On 17 September 2014 a report by the Victorian Auditor-General found that the Caulfield Racecourse Reserve Trust had failed the community. On 1 September 2015, after a year of inaction on implementing the Victorian Auditor-General's Office report's recommendations, the member for Caulfield raised an adjournment matter which called on the then Minister for Environment, Climate Change and Water to undertake an urgent review of the Caulfield Racecourse Reserve Trust to kickstart much-needed change. In March 2016 the then environment minister established a bipartisan working group which made a series of recommendations in its report handed to the minister on 21 August 2016. The report concluded that the Caulfield Racecourse Reserve Trust was unworkable, created potential and real conflicts of interest and was not achieving the best outcome for the use of the reserve. On 22 August 2017 the government introduced this legislation on the governance of the Caulfield Racecourse. However, a new lease has still not been implemented and the Melbourne Racing Club continues to pay a peppercorn rent while there are sporting clubs and other recreation groups that do not have the space to do what they need to do.

The member for Oakleigh said in his contribution that the government had not had the power to do anything about producing the lease that is so badly required to get these things done. But if the member had taken the time to read the *Bi-partisan Working Group Report of the Caulfield Racecourse Reserve*, particularly the third paragraph of subparagraph 4.3.1, he would have seen that it says:

> The department, as interim land manager, has significant advantages. It would enable discussions and negotiations with MRC to settle the lease and licence arrangements. The working group understands that the department has a well-established lease determination process that involves the valuer-general Victoria. This matter could be resolved prior to handing the management of the reserve to an appropriate independent organisation.

I wanted to make that particular point. The member for Caulfield has been leading this charge and has been doing a great job, but it is important that this particular aspect of the submissions from the other side is cleared up. Having made that point, I will now conclude so that other members can have their say in the short time that remains.

Mr RICHARDSON (Mordialloc) — It gives me pleasure to make a brief contribution to the debate on the Caulfield Racecourse Reserve Bill 2017. I think it has been well stressed that the City of Glen Eira, like many municipalities, are looking to maintain their open space, something that is very important to the livability of our communities as we see the pressures and encroachment of development that we need to manage, including in my patch in the City of Kingston, where we have the constant threat of development pushing towards the lungs of Melbourne — our green wedges — and we need to do all we can to preserve them. The nearly 54-hectare reserve, being 15 times the size of the MCG, offers a great opportunity not only to the City of Glen Eira residents but also to south-eastern suburbs residents across the board.

I want to clarify on the record some comments made by the members for Gippsland South and Caulfield, who put forward the proposition that currently the Minister for Suburban Development could grant long-term leases that the Melbourne Racing Club have been seeking for security. That is actually the case with this new legislation. It is the trustees that have been able to do that, so that is just a minor correction there. This instrument will put that in place. I also want to acknowledge the member for Bentleigh's comments about the trustees arrangements and the fact that it was either a resignation or almost a lifer principle that you would be able to inherit for a longer period of time, and that needs to be tightened up in terms of governance. But I see such great opportunity. I have seen the member for Oakleigh, in the great videos he has online, appearing really passionately on behalf of his community and talking about the opportunities for open space and providing greater certainty for the community.

With the sport and recreation pressures — and we have got those in the City of Kingston — we need to look to more regional facilities and how we maximise those opportunities. With the great participation in AFL Women's, we will have more and more pressures in our municipalities. Also with population growth, which in the City of Kingston we are expecting to be 10 per cent over the next 10 years, we have to decide how we manage that and how we maintain our livability. This provides that opportunity, through the work of the trust, to do that, in addition to the 24 race days that bring so much economic benefit to the Glen Eira community and also the state of Victoria. Obviously this is being introduced on the eve of the

Spring Racing Carnival, which will be a great time for our city and for our community.

How do we maximise that for the other 320 days and make sure that we are getting the most outcomes? As the member for Oakleigh pointed out, you could stumble past and not realise that this wonderful recreation resource is right on our doorstep or at our back door. It looks like it is locked up, but it is actually accessible now. We are trying to make sure that we open up the gates and the opportunities for Victorians to enjoy this wonderful resource. Bringing in some of this wonderful work and the fact that there is bipartisan support will give long-term certainty for the work of the trustees in improving this public asset. With the brief contribution I have made and to give other members the opportunity to contribute to this debate, I commend the bill to the house.

Mr McCURDY (Ovens Valley) — I am delighted to rise and make a brief contribution to the debate on the Caulfield Racecourse Reserve Bill 2017. I also commend the bipartisan support for and the way in which this bill is being handled. We know the purpose of the bill is to establish the framework that provides the reserve trust with the powers to manage the reserve for both racecourse participation and public recreation.

This bill is not about watering down the racecourse usage or undermining or changing racecourse procedures, which is important. It is about better utilising the non-racing track surface, including the middle and the sections of the track that could be better utilised, because that is important, too. There is a lot of space in that area and the Caulfield Racecourse provides a prime opportunity. As the member for Caulfield mentioned in his contribution, there are 54 hectares and some of that ground could be better utilised under these arrangements. That is a terrific effort by all concerned. Certainly as we enter the 2017 Spring Racing Carnival we do not want to send any messages that we are going to water down the racing there. We want to better utilise the ground, and there is ample opportunity to do that for recreational activities.

As has been mentioned by other members in this place, the City of Glen Eira has the lowest amount of open space per head in metropolitan Melbourne, so this looks like a prime opportunity. As shadow Minister for Sport, I am always being inundated by communications from community groups that are frustrated by the lack of recreation reserve areas, not so much facilities but just actual grounds to play on. One example is down in Geelong, where I was told about a hockey club whose members get only 30 minutes every two weeks to do their training just because grounds are so limited. This legislation is an example of the government and the opposition working together to make sure that we can get a better outcome for communities.

As I say, metro Melbourne is probably more at risk in these areas because there is simply not the land. In regional Victoria we can certainly find ground on the edge of town. There is always a bit of dirt somewhere that we can turn into another recreational ground. In metro Melbourne you have actually got to pull something down before you can change the use of something.

To go on from that, VicSoccer have told me that when you look at the growth projections in their sport they are going to need another 950 new pitches over the next 10 years. Cricket Victoria have told me that participation in their sport, from the MILO in2CRICKET program right through to senior cricket and women's cricket, is growing. The list goes on, with hockey, rugby and of course, as we all know, AFL Women's. In fact I was talking to one of the managers of the AFL recently. He manages AFL Women's and he said that 370 teams have been involved this year and their expectation is that that will at least double next year. So again this is going to put a stronger demand on resources, particularly grounds — obviously change rooms and things as well, but just playing surfaces and recreational areas. That is why the bill that we are contemplating here is a great win-win for everybody.

It is appropriate that we remind everyone that this is not about the watering down of the racing commitments at Caulfield. That is still the primary use. The member for Bentleigh started to stray a little bit during his contribution to the debate and I did get a little concerned. I understand what he meant when he said the report suggested that there are three key areas in this resource that could be used, but at the end of the day we want to make sure that we do not send any signals that racing is not the best use of this track or the primary use of this resource.

This concept could be developed in other areas. With that, I will leave my remarks. Certainly partnerships would still be encouraged in metro areas.

Mr McGUIRE (Broadmeadows) — There has been a fantastic launch this week of the cups carnival here in the Parliament by the racing minister. Of course the Caulfield Cup is one of those prestigious events on the calendar. It brings in so much money and tourism, it helps the fashion industry and it keeps the economy ticking over. It is a major benefit to the state of Victoria. Here is another piece of legislation from the Andrews

Labor government that helps with the future use and management of one of our leading racecourses at Caulfield and also makes it part of not just racing but extends its realm into better public recreation, so this is clearly in the public interest.

The bill establishes a new independent management body with requisite functions, powers and duties to manage the reserve, and it provides modern governance arrangements for the new trust like that used at Kardinia Park in Geelong, on which the feedback so far has been that that has worked well. It provides a mechanism to redefine areas of the reserve that will be used for each of the purposes for which the land is permanently reserved. They are racing, recreation and public park purposes. This gives a broader usage for the area. It makes better use of the asset in the public interest.

I think this is a proposition that is clearly in the public interest and could not have come at a better time as we start to mark the major events and the impact that racing has for the economy, for the social fabric and for the cultural leadership that Melbourne and Victoria give to the nation. Broadening out the use of this great asset in the public interest is of major significance. With those comments, I commend the bill to the house.

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

Debate adjourned on motion of Ms HALFPENNY (Thomastown).

Debate adjourned until later this day.

NORTHCOTE BY-ELECTION

The SPEAKER — Before moving to the next item on the agenda, I wish to advise the house that today I have issued a writ for a by-election in the electoral district of Northcote, to be held on 18 November 2017.

CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017

Second reading

Debate resumed from 7 September 2017; motion of Ms NEVILLE (Minister for Police).

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

Mr CLARK (Box Hill) — The Corrections Legislation Further Amendment Bill 2017 is in effect a fix-up bill either to fix up flaws, anomalies, bugs or errors that have arisen in previous legislation or to fix emerging problems in law and order that have occurred in recent times during the current government. I should say there is one exception to that in relation to prisoner employment, which I will come to.

In summary the bill introduces a new offence to attempt to strengthen the operation of the corrections system by dealing with contraband in prisons; creates a new security officer role to provide security at the Adult Parole Board of Victoria (APB); attempts to improve the operation of the parole system by putting beyond doubt the application of certain laws introduced last year in relation to police murderers; creates an explicit power to remove electronic monitoring devices or equipment; clarifies provisions relating to the discharge of firearms in prison emergencies; allows a trial of paid prisoner employment; makes provision for community corrections officers to carry out or supervise offender alcohol and drug tests; and clarifies custody arrangements for prisoners appearing before the chief examiner.

To look at each of these measures in more detail, there has been a huge increase in the level of contraband finding its way into prisons under the Andrews government. There has been one attempt to respond to this through legislation that has been through this Parliament recently in relation to drones. This bill creates stronger offences for the possession of certain contraband in prisons. Two categories of offences are created. The first and more serious category, category 1, applies to contraband including explosives, firearms, weapons, drugs, child exploitation material, mobile phones and other electronic communications devices, and the bill proposes up to two years imprisonment for those offences. Category 2 contraband includes unauthorised prescription drugs, drug paraphernalia, electronic storage equipment and recording — for example, photography — equipment which is not communication-capable, and for such offences the bill proposes a sentence of up to 12 months imprisonment.

Clearly the possession of contraband in prison is a serious issue, particularly devices that are capable of communication, for largely obvious reasons. Communication can be used by prisoners to organise further offending or to threaten victims or otherwise attempt to interfere in the course of justice, such as by attempting to nobble or threaten witnesses. So it is important that that be dealt with effectively, and creating stronger penalties may be one part of that. Needless to say, stronger penalties are only going to be effective if they are accompanied by both effective enforcement so as to detect and bring prosecution against offenders and then follow-up with penalties

being handed down in the courts that do send a strong message to them about the serious consequences of such contraband.

There are provisions relating to greater security for the Adult Parole Board of Victoria. It is understandable that there could be growing concern about that. There have been a number of security incidents in recent times at the APB premises in Carlton when parolees have had their parole cancelled while they have been under interview. Unfortunately it is a further manifestation of the growing contempt and disdain with which the law and the justice system is being held by many offenders, or would-be offenders, that they seem increasingly emboldened to act violently even when in the presence of institutions of authority themselves such as the parole board or such as the courts. Unfortunately offenders draw the conclusion that the law is powerless or unwilling to touch them or to deal with them when they contravene it even so blatantly, and some of these incidents are occurring as a result. Needless to say, it is important to ensure that adult parole board members, staff and anyone else present are properly protected, and these measures attempt to do that. Up until now the APB has had to rely on Victoria Police backup for security incidents, and something more is now required.

The proposal is to introduce a new category of security officers and to provide them with powers under the Corrections Act 1986. We understand that the intention is that they will not be armed with firearms but will have the power to use reasonable force and to use handcuffs, capsicum spray and batons. They will be given various powers, including to arrest and to detain a prisoner on parole without warrant if there is a reasonable belief that the prisoner on parole has committed an indictable offence or upon cancellation of parole. The intention is that the security officers will hold the prisoner and then hand them over to Victoria Police when the police attend in order to take them into custody.

There has been some concern raised with us about the operation of those provisions by the Police Association of Victoria. I certainly hope that the government will take those concerns on board because we need to make sure the legislation works effectively and does not give rise to unintentional anomalies.

The DEPUTY SPEAKER — Order! Members of the gallery are not allowed to take photographs. I remind members of the gallery not to take photographs, please.

Mr Pearson interjected.

Mr CLARK — I note the interjection by the member for Essendon. As I reminded him yesterday, we have to avoid getting an overinflated sense of our own importance, and this is probably one of those occasions.

We on this side of the house believe that it is appropriate to make provision for protective services officers (PSOs) to be able to fulfil these functions of protecting the adult parole board and those attending at it, alongside security officers to be designated under the act. For that reason, one of the amendments that I have had circulated proposes that a protective services officer who is on duty at the adult parole board is empowered to exercise the powers and have the responsibilities of a security officer under this division. If this amendment is accepted, it will provide flexibility so that security officers proposed under the bill can provide that protection, but there is also the capability for PSOs to be assigned to the adult parole board and, if they are, to exercise the powers that are being vested by the bill in security officers. We put that amendment forward in good faith with the intention of better achieving the objectives of the bill.

I might also mention that the bill, while providing for additional security for the adult parole board, does not provide for additional security for the Post Sentence Authority that is proposed to be created under a bill that this house has also been considering this week. I understand it is intended to consider that possibility down the track. I would think it would be desirable, and the need to properly protect the Post Sentence Authority should be addressed expeditiously so that any appropriate security needed by the Post Sentence Authority can be in place before it commences operation. If necessary, they should have the protection of security officers and/or PSOs in the same way that the adult parole board does.

Other provisions in the bill intend to rectify a problem that has arisen from new laws that were introduced last December that provide that police killers are not eligible for parole unless very strict requirements have been met. One of the prisoners in the headlines to whom the legislation had been intended to apply was Craig Minogue. He had been technically eligible and had applied for parole in October last year prior to the legislation being passed and the new provisions being enacted on 14 December. It appears an issue has now emerged as to whether the provisions as enacted by last year's legislation would apply to his extant parole application in those circumstances. It is regrettable that the Andrews government was very tardy in introducing that legislation despite the opposition raising the need for it much earlier and introducing a

private members bill. The changes made by this bill are intended to address what appears to be an error in the changes made last year, which did not make absolutely clear that they operated where there was a parole application already on foot. The changes made by this bill are to achieve that objective.

There are further provisions in the bill dealing with the removal of electronic monitoring devices and providing a framework in which that can occur. There are a number of circumstances in which that can be done that are set out in the bill. This fills a gap that has emerged that makes it not absolutely clear that reasonable force can be used to remove a monitoring device from a person if the person resists that being done. It is appropriate that that power be included in the legislation. We understand that one of the circumstances in which it might be necessary to remove an electronic monitoring device from an offender is if it were to be replaced with another device or so that it could be used somewhere else. I have to say it is not completely clear from the drafting of the provision whether or not that circumstance is satisfied by the drafting of proposed section 79L, which at its outset specifies only limited circumstances in which the power can be exercised. I leave it to the government to consider whether all the necessary and intended circumstances are covered by the way the bill is drafted.

Another provision of the bill provides the power for police to use firearms in prison emergencies. Unfortunately this is yet another example of the need for a measure which became very clear after the riots that occurred in prisons under the current government, and they were very severe riots. Those events have raised the issue of when police officers are allowed to discharge firearms when they are called to deal with a riot or other disturbance, such as what occurred at the Metropolitan Remand Centre in June 2015. The bill provides a framework for that, so that a police officer may only discharge a firearm at a prisoner if the prisoner escapes or attempts to escape from custody and the officer reasonably believes that discharging the firearm is the only practicable way to prevent the escape of the prisoner from custody. There are also other provisions as to when a police officer can discharge a firearm at other persons.

In relation to the provisions of the bill for a paid prisoner employment scheme, this is a measure that the coalition parties support in principle. It has been seen in other jurisdictions that these schemes can be very successful. Indeed given that the success of those schemes was demonstrated several years ago, it may well have been that it could have been introduced in Victoria earlier than it has been. Of course it is important to get the conditions of any scheme right. If those conditions are right, a scheme for paid employment has the potential to ensure that an offender has skills and employment that will enable them to continue in employment after they leave prison. The objective of these schemes is to ensure that an offender who meets the necessary criteria can gain proper paid employment with an employer outside the prison. It allows the prisoner to commence that employment while they are nearing the end of their sentence, and then hopefully when they complete their sentence they will seamlessly continue with that employment.

Clearly, having employment means that they have income. Hopefully they have also been helped to learn that there is a way to live life other than through offending, which diminishes any inducement for them to reoffend, and of course it means that, having had employment during the latter part of their time in prison, they have built up funds that enable them to acquire accommodation and other needs for when they leave prison. Again, this removes a potential incentive for released prisoners to offend because they feel they do not otherwise have the funds that they need to support themselves. If the scheme can be properly designed and implemented, it can have very significant practical benefits in terms of changing attitudes of offenders and hopefully getting them back on the right path by diminishing the temptation to return to offending.

Obviously it is important to get a number of conditions around that right. It is important to make sure that the safety of the community is paramount in deciding who is going to be eligible to participate in such a scheme. It is important to mitigate the risks of things going wrong, the risks of escape and the risks of prisoners offending when they are on outside employment. The scheme that is being proposed by the bill as we understand it is a very limited scheme. Indeed there may be opportunities to take more offenders into a scheme such as this than is provided for in the bill, but hopefully that will be established quickly if the trial is successful.

One example of a scheme that has been very successful is the scheme that has been in place in the Northern Territory for a number of years which has gone by various names, one of which was ‘jail to job’, a name that encapsulates the objectives very succinctly. From all accounts — certainly as of a few years ago, prior to the change of government — all the feedback that was coming to my attention was that that scheme was proving remarkably successful.

It has to be said that the offender mix in the Northern Territory is substantially different to the mix here. For whatever reason the Northern Territory incarcerates a

number of people who would not be incarcerated here. Without any reflection on the merits of sentencing policy in the Northern Territory versus Victoria, one of the consequences is that there may be a greater number of more serious and potentially more dangerous offenders in Victorian jails than in the Northern Territory, which may diminish the range of prisoners who would be suitable for such a scheme here in Victoria. But certainly the feedback as of several years ago from the Northern Territory was that it was enabling offenders who otherwise had a very high rate of recidivism to retain gainful employment.

I should emphasise that this is not, as it were, 'make work' employment or employment that is created out of a sense of benevolence on the part of the employer; it is what I might call a genuine arms-length job, where the prisoner earns award wages, or whatever other wages are applicable, and is expected to do the same quantum of work in that job as anybody else. That, of course, is important to ensure the prospect of continuity of employment, because if the employer is providing this opportunity as part of a contribution to the community rather than an arms-length job, then the potential for that job to continue is diminished.

Another aspect of the Northern Territory scheme, which they considered was important, and I would be interested if government speakers would address that in relation to the scheme for Victoria, is that prisoners who wanted to serve outside in the community — it was a highly desirable objective for many prisoners — had to go through a process of first of all obtaining the necessary skills through employment within prison. I gather in the Northern Territory they had separately designated areas in major prisons which were like a workshop or a factory or another place of work and a prisoner had to demonstrate that they could conduct themselves appropriately there for a period of time before they qualified to go outside the prison. That seems a worthwhile aspect. So there is a lot of upside potential with the scheme, but it is important to get the details right.

There is one aspect for which we are proposing an amendment. We believe it is a very significant amendment, and it again reflects one of the elements of the Northern Territory scheme — that is, that with the income that an offender earns when they are in employment under this scheme, not only are they making a contribution to victims, as the bill proposes, and not only is most of the money going into an account that they cannot touch while they are in prison and is only to be made available for when they leave, but we believe that on top of that it is fair, reasonable and appropriate that an offender who is in outside employment should be making a contribution to the costs of their own imprisonment — to their own board and lodgings, as it were.

It is a significant cost to the community to keep an offender behind bars. It is a necessary cost, and a cost that the community needs to pay in order to keep itself safe, but where an offender is earning income, there is every good reason why they should then be contributing to and, if possible, meeting the costs of their incarceration to reduce the burden on the taxpayer.

That is yet another good reason why a scheme such as this, if properly structured, should go ahead because it will mean, appropriately, that the taxpayer is not unnecessarily being required to contribute to the cost of upkeep of the offender. So, again, we hope the government will see the merits of the amendment that we have proposed in that regard.

Let me deal with some of the other provisions of the bill. There are some attempts to strengthen provisions about the supervision of offenders who are undergoing alcohol and drug tests. There has been concern that some offenders may have sought to manipulate existing drug and alcohol testing by substituting samples from other persons or attempting to do that, and there has been some intimidation of pathology clinic staff who have raised concerns about that. The bill provides powers for community corrections staff to supervise and carry out alcohol and drug testing through the taking of samples of either breath or urine. Hopefully that will end the abuses that have been occurring to date, which again seem to be a reflection of the fact that offenders believe they can treat the justice system with contempt and get away with it.

Another provision of the bill relates to the custody of prisoners appearing before the chief examiner. That makes provisions as to how they are to be dealt with in terms of who is to have custody of them during the course of their time before the chief examiner, and supervision in relation to transport of them. Again, this is an issue that is significant to the Police Association of Victoria, and I hope the concerns they have raised will be taken on board by the government.

In conclusion, as I said at the outset, this bill largely contains a range of fix-up provisions, either addressing errors in previous things that have been done by the government or responding to problems that have emerged in the justice system during the term of the current government. We certainly hope that those fix-ups are successful, but we also believe a lot more is needed to address the underlying contempt for the law that a lot of these problems are manifesting.

Finally, in relation to the trial of paid prisoner employment, in principle it is a very worthwhile idea, both for diminishing crime and getting offenders back on the right track and reducing the burden on the taxpayer. We need to make sure we get the details right. We believe, as I say, that our amendment to require participants to contribute to the cost of their incarceration is a valuable improvement.

Mr PEARSON (Essendon) — I am delighted to make a contribution on the Corrections Legislation Further Amendment Bill 2017. I must admit that I did have to laugh at the manager of opposition business's Freudian slip when he talked about this bill picking up the bugs in current legislation. I thought that was a very interesting choice of words that the member opened with but did not pursue in his later contribution.

The member also noted at the very start of his contribution — and I think I quote him accurately — the very high levels of contraband flowing into prisons under the Andrews Labor government. I found that to be quite a curious statement. I am assuming it is based on contraband that has been seized and that that is the basis of his assertion. It may be that the member is right. It could also be the fact that we are far more effective at identifying, detecting and capturing contraband that is entering our prison system than those opposite were when they were in government. That could be an alternative proposition. It might be the fact that we are just very, very good under this administration at identifying and seizing contraband.

This is a really important piece of legislation. I am particularly attracted to the fact that prisoners will now have the opportunity to seek gainful employment during the latter part of their sentence. I note the member for Box Hill had some questions around this, and I will endeavour to answer those as best I can. The scheme will be open to and available for only a small number of prisoners based on their offences. If a prisoner has been sentenced for violent or sexual offences, the trial will exclude child-related employment. I think that is fair and reasonable.

Why I think this is really important is that it recognises that some of our prison population come from disadvantaged backgrounds. I think back to a great quote by Anatole France, who wrote in the 19th century that:

> In its majestic equality, the law forbids rich and poor alike to sleep under bridges, beg in the streets and steal loaves of bread.

The reality is that if you come from a good family background, if you come from certain wealth or means, or you have a good strong support network and you find yourself undergoing or experiencing a custodial sentence, when you return you have a better chance of rehabilitation in one sense — you have a greater chance that you are going to be able to resume your old life. If you have got skills and qualifications — a trade, a degree — you have the ability to go back into society and to put that behind you. Similarly, I think if you have got a family that supports you, then you have the opportunity to lead a fulfilling life.

Certainly I know I have spoken to the house in the past about my uncle, who was charged and convicted for stealing motor cars and trading in stolen parts. He was convicted, he was sentenced to Pentridge and he got out on appeal. A local bus operator took him on and gave him a mechanics apprenticeship. He ended up becoming a very successful businessperson and indeed a proud and passionate supporter of the Liberal Party and conservative politics for the rest of his life. He was able to do that because my grandmother borrowed money from a relation and she was able to make sure he got very good legal representation, and someone gave him a chance. Some of these prisoners, though, do not have those opportunities. This bill is about making sure that those prisoners who are nearing the end of their sentence can try and work and get some money behind them to help them start afresh when they leave prison.

I note that the member for Box Hill indicated in his third proposed amendment a level of cost recovery, and I note that in his contribution he said, 'if possible, meeting the costs of their incarceration'. Bearing this in mind — and I appreciate the fact that the member did indicate his support in principle for the scheme — it is worth noting that 20 per cent of the income generated from the earnings of these prisoners will go to a pool of funds to assist victims of crime and their family, which is far higher than in other jurisdictions.

I have not done the precise calculations looking at the cost of the Corrections Victoria budget divided by the number of prisoners, but I am guessing that the cost of incarcerating a prisoner here in Victoria would have to be around about $100 000 a year. It might be less than that; it might be more than that. I think that number is intuitive because if you look at it, prisons are very expensive to build, they are very expensive to operate — you have got to feed and clothe the prisoners, you have got to keep them occupied and amused or trained or engaged in activities and they need to be monitored and supervised at all times. I am hazarding a guess: let us say the cost is $100 000 per annum to house a prisoner.

Following the member for Box Hill's contribution to its logical conclusion, you would almost want prisoners to

be day traders on the stock exchange or budding merchant bankers to earn the sort of income to cover the cost of their incarceration. Moreover, if they were to generate, say, $20 000 of income in their final year of incarceration, if you take out 20 per cent in order to compensate victims of crime, that goes down to $16 000 a year. If you say that half of that, a quarter of that or three-quarters of that has to go towards covering the cost of their incarceration, are you effectively nobbling the scheme before it even begins? We are basically saying, 'Well, you can work for that period of time, but by the time we make sure that you compensate victims of crime' — which is a fair and reasonable exercise to do, and I think it is an important initiative — by the time you pay back some of the money you owe us, are we effectively cruelling the scheme before it begins?

The other point I would say on that as well is: what would be the cost of administration in terms of trying to then say, 'This prisoner has earned this level of income, so therefore we have got to try and capture that, recover that, repatriate the funds'? It starts to get very messy. I am guessing that in the scheme of things we are not going to be talking about large volumes of money. I think that approximately 50 per cent of the adult male prison population has got an acquired brain injury. You are looking at people who might have significant mental health issues or complex needs. They are unlikely to be earning significant volumes of money because of the skills and training that they acquired before they entered jail. I think it would be reasonable to suggest that the sorts of jobs we are talking about would probably be entry level or low level — maybe something in that middle tier — but I do not think you are looking at a cohort of high-income earners that are in a position to be able to cover the cost of their incarceration.

I note the member for Box Hill's other proposed amendment, the second proposed amendment, that relates to protective services officers (PSOs). I am going to try and interpret the member's motive. I am assuming that the reason why the member has circulated this proposed amendment is because he thinks it would be desirable that a protective services officer has a position at the Adult Parole Board of Victoria because that person would be armed. I am assuming that the motivation for why the member is proposing this amendment is because he feels that having an armed person to guard the parole board would be desirable — I am assuming. But I think it is worth pointing out that a PSO might not have the skills that a prison officer would have in terms of dealing with a prisoner who might be aggressive or who might be acting up.

In the drafting of this bill and in bringing it before the Parliament, both Victoria Police and the adult parole board have been consulted, and based on their advice it seems that it is much better to have experienced prison officers who have had experience in the Melbourne Assessment Prison and experience dealing with prisoners placed in this environment. It seems that that is far more desirable. Logically, intuitively, it makes sense. I mean, the PSOs do a great job keeping our stations safe, our courts safe, our Parliament safe, but if you are dealing with a person with complex needs who is agitated, who is aggressive, the PSOs might have a gun but they might not have the skills to properly try and defuse the situation. I think a security officer, someone who does this as their job and has got experience from the Melbourne Assessment Prison, is better placed and better suited to discharge those roles and duties.

I was really pleased to be afforded the opportunity to speak on this bill. I think it is a really important piece of legislation that has come before the house. Trying to make sure that we reduce the level of recidivism amongst our adult prison population is commendable. I commend the bill to the house.

Mr CARROLL (Niddrie) — It is my pleasure to speak on the Corrections Legislation Further Amendment Bill 2017. It is amazing, though, that the opposition has lost its voice on law and order. We see right here, the last day before a three-week break, important legislation in the area of corrections and police. At least the member for Box Hill fronted up, but where is anyone else? It is completely vacant out there. I know where they are. They are in the member for Malvern's office right now. It is the killing season for the Victorian Liberal Party. It is just amazing; it really is amazing. I thank the member for Box Hill for his contribution and for holding the fort on behalf of the Leader of the Opposition while the member for Malvern entertains what might happen over the three-week break.

The Corrections Legislation Further Amendment Bill is important legislation. It will increase the maximum penalties to deter the possession of or use of certain contraband that pose the most risks inside prisons; create a new role for corrections staff to provide security at the Adult Parole Board of Victoria's premises; put beyond doubt that parole laws introduced last year apply in cases of those convicted of the murder of a police officer, even if the prisoner had already applied for parole; further strengthen the parole system, including clarifying reporting and the provision of information to the adult parole board; provide an explicit power for Victoria Police and Corrections

Victoria to remove electronic monitoring devices from prisoners and offenders; ensure legal certainty and transparency about when and how firearms can be used by prison officers and police officers acting as prison officers during prison emergencies; establish a paid employment scheme for prisoners, with a deduction of some of their wages to assist victims of crime and their families — I know the member for Box Hill touched on that in some detail; give more powers to community corrections officers to ensure offenders do not evade alcohol and drug tests; and provide flexibility in the custody arrangements of prisoners who appear before the chief examiner to give evidence.

In relation to the new offences for when prisoners possess or use contraband, we do take a zero-tolerance approach to attempts to smuggle contraband into prisons. Through our zero-tolerance approach, we are sending a strong message that if prisoners have contraband in the prison, we will find it and there will be adequate punishment. Prisons must be clean of contraband, and this bill goes even further to ensuring that. Currently some serious types of contraband are only punishable by a fine, and this is manifestly inadequate. Possession or use of some types of contraband such as mobile phones or other communication devices pose a risk to prison security. Mobile phones can be used to commit a crime, contact a victim or organise an escape, for example. This bill introduces a new offence with stronger penalties. This will cover controlling, concealing, giving or supplying contraband in prison. The new offence contains two categories. Category 1 includes explosives, firearms —

Mr Burgess — On a point of order, Speaker, I could not help but respond to what the member said about the opposition not being in the house. The one thing I can assure the member is that where your leaders are is meeting with John Setka, the convicted criminal, and Peter Marshall — the comrades.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! There is no point of order. I ask the member to resume his seat.

Mr Burgess — Right in this house, right today, right now. That is where your leadership is.

The DEPUTY SPEAKER — Order! I was on my feet for quite some time. I ask members, if they are going to raise points of order, that the points of order be in keeping with the standing orders of the house. I do not think I need to remind the member of that.

Mr CARROLL — They are a bit hot under the collar over there! Let us get back to the important piece of legislation, and hopefully the member for Hastings will actually make a contribution on it; that would be welcome if he could, and it would keep the key performance indicators up on that side.

As I was saying, there are new offences for prisoners to use or possess contraband and there are stronger penalties for prisoners who possess any sorts of contraband. I had the pleasure of representing the former corrections minister, now the Minister for Industry and Employment, in Darwin at a ministerial conference where all the corrections ministers around the country were in the one room. At that conference we discussed some groundbreaking reforms in relation to the banning of drones flying over prisons, because drones can be used for all sorts of communication and all sorts of illegal devices. We put forward some parameters followed by some regulation to ensure that drones were banned, but this package today does go one step further, which is very, very important.

Also we are making amendments in relation to parole. We do have the toughest parole system in the country. We have far fewer people on parole today than ever before — over 920 fewer people on parole than five years ago. Last year we passed legislation denying parole for prisoners sentenced for the murder of a police officer. As a result of the efforts of our police minister we will have 3135 police officers rolled out in the community over the next five years. The investments in the Community Safety Statement released by the Premier and the police minister with the Chief Commissioner of Police, Graham Ashton, is going to see record investment in a generation of police. The Victoria Police Academy is literally going 24/7. But we want to make sure that our laws and our reforms reflect the danger that police put themselves in every day, and we want to make sure that we send the strongest message to the community that when it comes to police they will be given every protection possible. I am also pleased the minister came to my electorate only recently to look at the police air wing and the rollout of our new police helicopters at Essendon Airport with myself and the member for Essendon.

The member for Box Hill did touch on a very important initiative — that is, helping prisoners gain qualifications and employment. One has only to look at how we have had to rebuild TAFE since coming to office; it has been a massive investment. We also know the Indigenous population in our prisons is far too high. I want to thank former Premier Jeff Kennett as well as Kath Andrews and former corrections minister Noonan for the work they did in relation to the rollout of the statewide Indigenous arts program in prisons — a $758 000 commitment to support Indigenous artists

who are in prison. I also want to touch on the work of The Torch Project. This is a fantastic program which essentially helps Indigenous prisoners in prison who are doing artwork. Through our legislative changes those prisoners can sell their artwork and the proceeds will be held in trust for them until their release from prison, which will not only give them confidence, resilience and self-esteem, but it will help them take the right step forward when they come out of prison. I think through the former Premier, Jeff Kennett, Minister Noonan, the Aboriginal affairs minister and Kath Andrews, who does sit on the board of The Torch with their CEO Kent Morris, this project is just doing a fantastic job in terms of helping our Indigenous prisoners with stable employment, reducing reoffending and basically making sure that they are allowed to still work while in prison and create something for themselves that they can be very proud of.

In my remaining minutes I just want to congratulate the corrections minister in the other place for this massive body of legislation that she is putting through. It is an incredible amount of work that has gone into this legislation. I commend the Department of Justice and Regulation and all the agencies, including the Adult Parole Board of Victoria and the Law Institute of Victoria, for all the work they have done in dealing with this massive piece of legislation. I want to thank her staff for all the work they have done in getting us to this stage. It is a very important reform. Making sure that we do everything possible to protect Victoria Police officers and that people can get qualifications while in the prison system and are given every assistance when they are released from prison so that they can live a life of purpose is a very important initiative by the Andrews Labor government.

I want to congratulate the Attorney-General for his work in this area, particularly the work he has done with the adult parole board to ensure that there are no risks, that their hearings are transparent, that they have first-class security officers under the Corrections Act 1986 and that their building is secure. That is very important. It is also important that our prisoners are given a second chance — we all deserve a second chance. We want to make sure through education that a goal of this government is achieved and that prisoners on release from jail can take the right step forward living a life of purpose.

Mr MORRIS (Mornington) — I am pleased to rise this afternoon to make some comments on the Corrections Legislation Further Amendment Bill 2017 that is before us. It is a disparate group of changes that is proposed to the legislation that covers corrections. Some of it is of course the usual updating of provisions as changes become obvious, and some proposals are slightly more significant than that. But essentially it is a range of matters around prisoner management, a small amount around parole and the management of offenders in the community and some standalone changes regarding appearances before the chief examiner. So all in all there is nothing particularly startling in the bill. There are certainly some areas where what is proposed could be improved. I imagine the member for Box Hill has talked about those, and we will get to them as the opportunity arises.

In terms of what is in this bill, you would have to say it is really a missed opportunity, because the reality is the corrections system has been lurching from crisis to crisis for now almost three years. It has gone from a stable, effective corrections system at the end of 2014 to issue after issue after issue. We have had failure from the government to invest on an ongoing basis, so there is certainly a numbers issue. We have had four corrections ministers in that time period. It is no wonder that you get turmoil when you have constant changes in personnel and consequently constant changes in terms of policy. The inadequacies that are evident in this bill are not only surprising but also to some extent inevitable as a result of that background.

To talk about some of the things that are proposed in the bill, the first is that part 3 makes a change to the Major Crime (Investigative Powers) Act 2004. It makes changes with regard to the custody of prisoners appearing before the chief examiner. That is a relatively straightforward provision, and the coalition is not opposed to it. The balance of the changes proposed by the bill are effectively confined to the Corrections Act 1986, and they are contained in part 2 of the bill. Three measures are proposed which are intended to improve prisoner management. Two measures are proposed which relate to the parole process and effectively monitoring prisoners in the community.

With regard to the first group of changes — that is, of prisoner management — clause 8 of the bill creates a new offence relating to the possession of contraband. In the first category we have explosives, firearms, weapons, drugs, child exploitation material and mobile phones, with a proposal for a maximum two-year penalty for invoking those offences. With regard to the category 2 offence, that relates to the unauthorised possession of prescription drugs, drug paraphernalia and electronic storage — which I did wonder about for a few minutes, but it made sense eventually. A maximum penalty of one year is proposed for possession of those items, which is perhaps optimistic given the sentencing patterns we have seen in recent years. I doubt anybody will be getting two years for a category 1 offence or one year for a

category 2 offence, but they are at least now proposing terms of further imprisonment, which I think is a step in the right direction.

Of course it has taken quite some time to get to this point. There was a report in the *Herald Sun* in October 2015 indicating that in that year more than 40 knife-like objects had been confiscated. There was 140 grams of white powder discovered across a number of prisons, and of course there was, as we know, a very volatile situation in the Metropolitan Remand Centre in June of that year. Had those items been in the Metropolitan Remand Centre, the consequences of that disruption could have been much, much worse. Yet for some reason it has taken two years to get to a point where the government has in fact acted upon it. Interestingly at the time the spokesperson said:

> … prisons had barrier controls, drug detection dogs and 'extensive searching and drug testing' in place.

The strong implication is, 'We are doing our bit'. Clearly those approaches were not working, and I am pleased that we now have a proposal to actually put in place a strong deterrent.

The second initiative in terms of prisoner management comes into the bill at clause 6, and that is essentially clarification to ensure that police are appropriately organised when exercising the powers of a prison officer. This comes directly from the Metropolitan Remand Centre riots that I referred to a couple of minutes ago. It is worth remembering that this riot in 2015 was the largest ever prison riot in the state's history — 400 inmates and at least some $12 million worth of damage. We are certainly still exploring that in the Public Accounts and Estimates Committee, but there was at least $12 million worth of damage and a 15-hour rampage.

Of course it is not only the $12 million worth of damage and it is not just the disruption to the prison system for that period, but there is also significant damage in other ways. I am thinking particularly of the prison officers. As a consequence of the riot WorkSafe launched an investigation, and four counts were laid against the Department of Justice and Regulation. Of course without going into the details, we have had follow-up stories indicating very clearly the impact that such a trauma had on the prison officers who were charged with trying to manage that riot. I am pleased we are now finally, a couple of years after the riot, actually getting to the point where there is effectively a codification of the powers of police to make sure that if they need to be brought in, they can act immediately.

The bill also includes a provision for a paid prisoner employment scheme. The member for Box Hill has proposed an amendment which would require the prisoner to contribute an amount to be determined by the secretary towards the cost of the prisoner's imprisonment. Having prisoners pay a little bit of their way is a very good initiative. I was somewhat concerned at the information we had in terms of this bill. I know there is an opportunity to make a part payment to victims programs, but we just do not know how much. That also is a good initiative and hopefully it is a significant amount.

I want to try to quickly get to the first change around the parole system, and that is clause 9 of the bill, which proposes a new category of security officers to ensure the safety of adult parole board members. I am aware there have been some incidents. Victoria Police have been called. Adult parole board members should be able to undertake their duties without fear or favour. They should not be under any form of duress, so it makes sense to provide them with security, but I do not support the plan that is proposed.

The corrections officers are proposed to be drawn from the metropolitan assessment prison. The officers will not be carrying firearms; they will have capsicum spray and batons. But I do ask: why on earth would you create a new secondary class of security officers when we already have protective services officers (PSOs) who can do that work very well? We trust the PSOs to look after us here in the Parliament, at 1 Treasury Place, the Premier's office, Government House and the courts, and we trust them to look after commuters in the evenings. Why on earth would you not trust them to look after the members of the adult parole board? I think the police association has some concerns on that front as well.

Unfortunately time will not permit me to get to the balance of the issues. I simply acknowledge that what is being done is reasonable. I have no opposition to the balance of the bill as it has been brought forward, and I commend the bill in that form and commend the proposed amendments to the house.

Mr EDBROOKE (Frankston) — Deputy Speaker, as usual it is great to see you in the seat. It is a pleasure to rise and speak on the Corrections Legislation Further Amendment Bill 2017. From the outset I would say that the government will not be supporting the opposition's amendments.

The Corrections Legislation Further Amendment Bill aims to strengthen the operation of the corrections system in nine different ways at least. The nine main

ways are by increasing the maximum penalties to deter the possession or use of certain contraband that pose the most risk inside prisons; creating a new role for corrections staff to provide security at the Adult Parole Board of Victoria premises; putting beyond doubt that parole laws introduced last year apply in cases of those convicted of the murder of a police officer even if the prisoner had already applied for parole; further strengthening the parole system, including by clarifying reporting and the provision of information to the adult parole board; providing an explicit power for Victoria Police and Corrections Victoria staff to remove electronic monitoring devices from prisoners and other offenders, which I will go into a little bit later; and also ensuring legal certainty and transparency about when and how firearms can be used by prison officers and police officers acting as prison officers during police or prison emergencies.

It also establishes a paid employment scheme for prisoners, with a deduction of some of their wages to assist victims of crime and their families — the member for Essendon detailed that quite well — with 20 per cent of their wages going to assist victims of crime and their families. It also gives more power to community corrections officers to ensure offenders do not evade alcohol and drug tests, which is incredibly important, and provides flexibility in custody arrangements for prisoners who appear before the chief examiner to give evidence.

I have been sitting in the house for at least the last hour or so, hearing contributions from both sides of the house, and you would be led to believe by some people that as of November 2014 the level of contraband in prisons just exploded overnight. We know that is wrong, and I have my doubts as to whether we have politically motivated prisoners or prisoners who are that proactive that they would do that.

I think that is a bit silly, but you could also suggest that during that time the prisons have got better at analysing and finding this contraband. Of course we can also bear in mind that it never ceases to amaze us that people will do anything to get around the law, and we have people finding new ways every single day. That is why we are here now to ensure that our legislation supports the people actually on the ground tackling this.

Just on the new offence for a prisoner to possess or use contraband, the Labor government takes a zero tolerance approach to attempts to smuggle contraband into prisons. Through our zero tolerance approach we are sending a very strong message that if prisoners have contraband in the prison, we will find it and there will be adequate punishment. Prisons must be clean of contraband, and this bill goes even further toward ensuring that.

Why must prisons be clean of contraband? It all goes down to the health and safety of the prisoners and of the people looking after them. Currently some very serious types of contraband are only punishable by a fine, but this has been found to be manifestly inadequate. Possession of some types of contraband such as mobile phones and other communication devices poses a definite risk to prison security. Mobile phones can of course be used to commit crimes — for example, contacting a victim or organising an escape, and we have seen cases over the nation where all of those things have happened before.

The bill will also introduce a new offence with stronger penalties to cover the making, controlling, concealing, giving or supplying of contraband in a prison. There are two categories of contraband — category 1 includes explosives, firearms, weapons, drugs, child exploitation material, and mobile phones and other electronic communication devices. This is the most serious type of contraband, and it carries up to two years in prison.

Category 2 includes unauthorised prescription drugs; drug paraphernalia; electronic storage equipment and, for the benefit of members opposite, that includes USBs and memory sticks; recording equipment; and information-processing devices that are not communication capable — for example, early computers that are not networked. This targets other prevalent and serious contraband and carries up to one year's imprisonment. So category 1 is two years and category 2 is one year's imprisonment. This reform aligns us with the current maximum penalty of two years imprisonment for introducing contraband into prisons under the Corrections Act 1986.

The parole amendments are worth detailing in what is left of my contribution. Recent reforms by the Andrews Labor government mean that Victoria has the toughest parole system in the country. I will repeat that: we have the toughest parole system in the country. We might have members opposite who want us to dictate to an independent judicial system and also to our chief of police what we should do and where we should put our police stations, and of course that is a ridiculous notion. We have seen a substantial reduction in the number of serious offences committed by parolees, but we also have far fewer people on parole today than ever before — that is, 924 people fewer on parole in Victoria walking our streets than five years ago.

Last year we passed legislation denying parole for prisoners sentenced for murder of a police officer. I

think that was something that was heralded by all. The men and women of Victoria Police put their lives in danger every day. They walk into things that we run away from, and they deserve every bit of protection that we can supply them in their significant role in our society.

This bill does that. This bill puts beyond doubt that the stricter parole laws introduced in December last year apply to prisoners sentenced for murdering a police officer, even if the prisoner was eligible for parole, or had taken steps to ask for parole, or if the board had begun any consideration of whether or not the prisoner should be granted parole before those laws commenced.

The member for Essendon again talked about paid prisoner employment. I might just skip past that and talk a little about the adult parole board amendments. There have been significant incidents at the adult parole board, although there has been no absconding to date and we are being proactive about this. In one example a prisoner was advised that his parole had been cancelled. He became very upset and agitated, and when police tried to escort the prisoner to a cell he physically resisted and it took several police officers to tackle him to the ground before he could be moved to the cell. The struggle occurred in the presence of members of the board and staff, which I think is unacceptable.

A further example is an offender who kicked a door that was being held open by a staff member and the staff member was injured as a result. We have had security incidents at the adult parole board in Carlton, where the board interviews prisoners on parole to monitor their compliance with the parole orders and makes decisions about parole cancellations.

It is to be expected that prisoners on parole would become agitated in this type of environment, but to address the security risks the bill introduces a new class of security officer in the Corrections Act 1986. Security officers will be employed by the Department of Justice and Regulation. They will provide security at premises where the board meets or where employees assisting the board are located. It makes sense to me.

Staff for the role of security officer will be drawn from the Melbourne Assessment Prison where they are experienced in handling difficult prisoners, including those returning to prison. These officers are familiar with a custodial environment and are available to provide security support extremely quickly.

The bill allows security officers to use reasonable force, including the use of weapons like capsicum spray and extendable batons; use search and seizure powers; supervise, escort and accompany prisoners; arrest and detain prisoners on parole until police arrive; upon arrest, hold the prisoner and hand them over to Victoria Police; and upon the arrival of police, assist police officers in their duties — for example, using reasonable force to enforce directions or execute the arrest.

At this stage I would like to thank the minister, her staff and the department. No doubt a mammoth amount of work goes into creating a bill with these amendments. I would also like to take the time to acknowledge the amazing work that is done by our police every single day and to thank them and our protective services officers and our corrections officers, who we are supporting and whose lives we are making easier with this legislation. Until you step into a prison, as a visitor of course, you are not quite aware of how intense that environment can be, and these people need every single bit of legislation that this house can put through to ensure that they can get the job done and go home to their families safely while ensuring the safety of prisoners. I commend this bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Corrections Legislation Further Amendment Bill 2017. The Nationals in coalition are not opposing this bill. The bill contains eight broad amendments, predominantly to the Corrections Act 1986, with several to the Major Crime (Investigative Powers) Act 2004. The amendments introduce a new offence to strengthen the operation of the corrections system by addressing the possession or use of prohibited contraband in prisons. The bill creates a new security officer role to provide security at the Adult Parole Board of Victoria; improves the operation of the parole system, including putting beyond doubt application of laws introduced last year in the case of police murderers; creates an explicit power to remove electronic monitoring devices or equipment; clarifies that provisions relating to the discharge of firearms in prison emergencies apply to police officers who are authorised to exercise the powers of prison officers; allows regulations to permit a trial of a paid prisoner employment scheme with a mandatory contribution to victims of crime and their families; makes provision for community corrections officers to carry out or supervise offender alcohol and drug tests; and clarifies the custody arrangements of prisoners appearing before the chief examiner.

I would like to look in more detail at the third amendment, which is the parole amendment which also clarifies the laws for police murderers. This amendment is covered in clause 12 of the bill. It confirms the power of the adult parole board to require reports from the secretary of the department to perform its parole

functions and to require further reports or information, including reports to assess the suitability of prisoners to be released on parole or to remain on parole. Clause 12 inserts new section 74(1AA) in the Corrections Act to require the adult parole board to have regard to the record of the court, including the judgement and the reasons for sentence of the court, when exercising the power whether or not to release a prisoner on parole.

I would like to talk about the case of Karen Belej, who was murdered by her partner in an act of domestic violence 16 months ago. Let us look at this case. The perpetrator put an illegal loaded handgun to her head and pulled the trigger. He had had a firearms licence since he was 12, starting with a junior licence. He had owned 20-plus firearms over those years. He had worked as a security officer. For reasons of violent attack he had lost his right to own a firearm or to possess a firearm. He purchased a handgun for $3000 with its serial number removed. He was sentenced to nine years with six years in jail, and with time served he will be out in five years.

If we look at clause 5, I think there is a very strong case to advance here that given the leniency of the sentence and the concerns that have been raised, if the parole board looked at this particular case, they would have to have regard to the record of the court — and that is the evidence that was presented through that process, including the judgement and reasons for the sentence of the court — when exercising its power whether or not to release this prisoner on parole. This is someone for whom I think, when the time comes, the adult parole board is going to have to take into account the seriousness of the crime and how it turned out. I am asking the adult parole board to have a good look at what the court has had to say in its reasoning. The person who took Karen's life was originally charged with murder. He plea bargained down to manslaughter and then received a sentence as part of that process. There has been a considerable reaction from the community to just what this means. In any parole board's future consideration of whether this person should walk our streets again in five years time, this should weigh very heavily on their minds as they make that decision.

The murder of Karen was a terrible act of domestic violence, and the sentence given to the perpetrator is the wrong deterrent to other perpetrators. The adult parole board can be a part of sending a much stronger message as a deterrent to people that just because you are entitled to parole at the minimum time, it does not mean you will get it. It is a privilege. In this particular case it is a privilege that should be hard-earned, if given at all, because of the nature of this crime. That is one part of the bill that I wanted to talk about.

The other part of the bill I wanted to refer to is the provision for a trial of a paid prisoner employment scheme. I know it is for a very small number of prisoners, but from small things big things can grow. The bill also provides that part of any prisoner's pay will go to victims or victims programs, and that portion of that pay is yet to be determined. Again in the particular case I have referred to, if the gentleman who was doing his time for this crime earns any money while he is in jail, then that should go to a victims program. The family of Karen would expect nothing less — that this person should not walk out of a prison with any money in their pocket when you look at the nature of his crime and the victims who are out there.

Looking beyond this particular case, for domestic violence and violent crimes, the victims out there have a long road to walk to come back. They need large numbers of resources to help them, and anything that can be contributed by the perpetrators is the very least that we could or should be doing to help those victims in their healing process. Many victims of crime will still be damaged and will still be healing when the perpetrator is released, and that too is an injustice in our system. But if we can find those funds or if we can fund this work so that these funds flow to those programs, that may in a small way go to repair the pain that is out there.

This particular bill has some very pertinent points in it for Karen Belej. I think the parole board will need to think long and hard before this perpetrator is set free to walk amongst us again.

Ms HALFPENNY (Thomastown) — I also rise to speak briefly in support of the Corrections Legislation Further Amendment Bill 2017. As previous speakers have relayed, this bill makes very relevant and important changes to the Corrections Act 1986 and also the Major Crimes (Investigative Powers) Act 2004. The purpose of the amendments is to strengthen Victoria's corrections system through key reforms that are designed to keep people safer and to streamline certain aspects of the corrections process.

The bill addresses a significant issue that we face in the corrections system, and that is the possession of prohibited objects or substances — contraband — among prisoners. This bill changes the definition of contraband and also introduces a new offence for making, concealing, controlling, supplying or providing certain contraband in prison without a reasonable excuse. Under this bill possessing or using the most serious category of contraband will now be punishable

by a maximum penalty of two years imprisonment, which will be served in addition to an existing sentence, in line with the Sentencing Act. Of course the idea is to make it such that there is a real deterrent for prisoners having in their possession contraband. On some figures it is estimated that Victorian prisoners have been caught with over 6000 contraband items in just the past year. It is deemed that the current legislation is not strong enough to deter prisoners and therefore there need to be some further penalties.

In addition to the bill that we are talking about today, the Andrews Labor government has already taken action to protect staff and prisoners by introducing legislation to ban drones from flying near prisons. Of course this is a major security problem whereby they can take photos and so on. This is another instance of further securing our prisons.

The amendments will also help to reduce security and safety risks among staff and prisoners. The bill will tighten security around parole board members and give more powers to protective staff — those staff that are protecting or performing security work around the parole board. During the development of this reform the Adult Parole Board of Victoria and its staff were consulted. We did this to ensure that the reforms met their needs, based on their experiences. Both the adult parole board and Victoria Police support this bill.

I note that one of the amendments that the opposition is proposing is that protective services officers (PSOs) also have increased powers to perform security work. As I understand it, Victoria Police and the adult parole board were consulted and this was not something that they sought. They were proposing, and the government has accepted, that it ought to be the most experienced and trained security officers that do this work and support those members of the parole board. So rather than PSOs, there will be a new class of security officer under the Corrections Act, and they will have powers to use reasonable force to manage prisoners who are in custody — serious sex offenders and high-risk prisoners who are being supervised by Corrections Victoria. It will also allow them to arrest and detain a prisoner on parole until police are in attendance, enhancing the capacity of their role and further protecting staff and the general public.

Under this bill existing parole procedures will be improved by furthering legislation passed last year for prisoners sentenced for the murder of a police officer. This restricts these prisoners from being granted parole and was the original intent of the legislation, in particular section 74AAA.

Furthermore, changes to parole will ensure that serious crimes committed by parolees are reduced. Further amendments will improve the current parole system and work to strengthen laws to ensure that there are strict limitations when it comes to releasing offenders on parole. Currently prisoners who are in custody or on parole or offenders who are on community correction orders may have electronic monitoring in place to ensure they abide by exclusion zones and curfew conditions, and that includes GPS devices, sensors and alcohol consumption assessment devices. It is a serious issue when in some cases offenders do not cooperate with the removal of such devices, and there is not any real legislation to ensure that such devices can be removed or put on. Therefore this omnibus set of amendments will provide protections around corrections officers and so on so that they can remove devices even without the cooperation of prisoners.

In addition, there is also one big amendment that I think I should go to. There are many changes within the content of this bill. While many of them are made for improving safety, improving security or addressing problems that have come to light along the way, such as contraband and so on, one of the major changes made by this legislation is the ability for prisoners to enter into a paid employment scheme. The idea of this is that, I think in the last year of their incarceration, they are able to gain employment for which they will be paid. However, at least 20 per cent of those wages must go to the victims of crime and their families. The remainder will be provided to the prisoner on their release. Once they have completed their sentence, on release this money will be used for accommodation and of course general living expenses rather than them being thrown back on the street and then maybe offending again.

This is a program that is designed to provide entry-level skills to prisoners. It has also been developed in consultation with employers who are looking at this scheme. It will be a trial to start with, and if the trial works, it may be expanded further to try to get those low-risk prisoners — we are not talking about sex offenders or violent prisoners, but those low-risk prisoners — able to transition back into society and able to work within society by making a contribution through employment as well as being able to independently look after themselves through having some sort of wage. As I said, this program is a trial. If it does not work because there are any risks to safety, they will be picked up throughout the trial. Obviously if there are any issues, it will either be modified, changed completely or discarded.

There are a number of parts in this bill. I have been able to outline just a few of them. I know that the opposition

is seeking a further amendment to modify the paid employment scheme trial. I think they are just being a bit difficult in saying that prisoners should contribute to the costs of their imprisonment. Under the trial program that we are proposing in the bill, they will be contributing to the victims of crime and their families. I think that is where the money should be going — to ensure that people who do things to others are not just sentenced but actually have to work and contribute financially to those who have suffered at the hands of people who break the law.

As I said, that is not the whole of the bill. In the limited time it is not possible to go through each and every aspect of the bill. It is a bill that provides further enhancement of security for those working within the corrections system as well as the community. This is a further step in the many pieces of legislation that have been changed by the Andrews Labor government in response to issues around community safety and security in the prison system. It is a great initiative from the government and yet another step in making our community safer.

Ms RYAN (Euroa) — I also rise today to make a contribution on the Corrections Legislation Miscellaneous Amendment Bill 2017. The bill before the house today is really quite a broad bill, as other speakers have noted. It covers eight broad areas and it is in essence the fairly regular tidy up of the Corrections Act 1986 that comes to Parliament.

There are three key areas that I would like to focus on today in my contribution to debate, the first being the strengthening of the operation of the corrections system by creating a new offence of bringing contraband onto prison property. I had a bit of a look at the items that are currently prohibited in all prisons in Victoria. Many of them are fairly logical and things that most people would acknowledge should never be found in a prison — things like weapons, drugs and drug-related items or paraphernalia, and explosive substances and devices. Since smoking was banned in all Victorian prisons in July 2015 tobacco and tobacco-smoking accessories are now officially considered contraband in prisons. The one on the list that caught my attention was equipment that may aid escape. I think that is a fairly logical inclusion on the list; we certainly do not want prisoners to have anything that might help them escape. Other items include mobile phones, portable digital media players, USB storage devices and the like. As the law currently stands, any visitor who is found introducing contraband is banned from all prison visits for a minimum of 12 months. I think it is an aberration in the current law and really quite extraordinary that at the moment whilst possession of some contraband items is subject to fines for the prisoners themselves, it is not technically deemed an offence. This bill introduces that offence.

The bill introduces two separate categories of contraband. There is category 1 contraband, which is at the more serious end of the equation — again, explosives, firearms, weapons, drugs, child exploitation material and the like — and possession of those things is punishable by a maximum of two years in jail. Then there are category 2 items, which include things like unauthorised prescription drugs, drug paraphernalia, electronic storage or recording equipment and electronic devices that are not communication capable. Under this bill possession of those items will be punishable by a maximum of 12 months imprisonment.

Over the past 12 months there have been an extraordinary number of contraband items detected by Corrections Victoria staff. I heard someone earlier in the debate refer to the legislation earlier this year which banned drones from prison precincts because we have seen some more creative elements of the community seeking to drop contraband items to prisoners via drones. In the last 12 months or so we have seen more drugs, weapons and alcohol smuggled into Victorian prisons than in previous years. We have publicly stated that we believe the government should not only introduce this offence for prisoners caught with contraband but also increase the punishment for anyone who is caught smuggling weapons and drugs into prisons.

I also want to refer to Dhurringile Prison, which is in my electorate of Euroa. An article back in February said one in 10 inmates in Victorian prisons are failing substance tests. I think that is a quite extraordinary number, and it does show that the system needs to be significantly tightened up. At the time Corrections Victoria data showed that seven of the state's jails — Dhurringile was included in that list — are failing to meet drug rate benchmarks. I think that is indicative of a government that has lost control of the corrections system, and it is something that we need to pay a great deal more attention to.

The second aspect of this bill which I wish to mention today is the creation of a new security officer role for the Adult Parole Board of Victoria to deal with the security incidents which we have seen occur at their premises in Carlton. I understand that these changes have actually come about at the request of the adult parole board to improve the safety of their members who are attending hearings or interviews. Earlier in the debate the member for Box Hill circulated an amendment which I wish to speak in support of. That amendment substitutes the words 'security officer' with

'protective services officer' (PSO). We have circulated that amendment in response to concerns from the Police Association Victoria, which believes that PSOs will actually provide a greater level of security for the adult parole board.

The secondary class of security officer that this bill creates will only be armed with capsicum spray, batons and handcuffs, whereas if our proposed amendment passes, there will be protective services officers armed with handguns. That is an improvement because it will provide a greater level of security for the adult parole board. The police association, in our consultation with them about this bill, have noted that they were not consulted in its development, which I put on the record as being somewhat of a concern.

The third element I wanted to touch on is the trial of a paid prisoner employment scheme that this bill creates. The provisions will see eligible prisoners drawn from the Judy Lazarus Transition Centre. I understand that the pilot that is being put in place, the trial, is relatively small — it will only involve 20 to 25 prisoners participating in the first instance. It was an idea that was floated back in 2015 by the Victorian Ombudsman, who in her investigation into the rehabilitation and reintegration of prisoners in Victoria suggested that paid prisoner employment schemes should be implemented in Victoria. Whilst we are supportive of those provisions, we have moved amendments to see prisoners participating in that program pay 20 per cent of their wage to the state in recognition of the huge costs to the state to house prisoners during their term. I again encourage the government to consider that amendment and vote in favour of it.

In my own electorate of Dhurringile, a number of the prisoners participate in community schemes. I think they are called community assistance schemes whereby they go out and actually undertake work on behalf of the community. That is very well received in my area and something I would certainly like to see continue. That work is not paid work but I think it does a lot, particularly for those low-security prisoners who are housed at Dhurringile who are on the cusp of transitioning back into society.

With those few comments I wish to commend the bill to the house. I do have concerns about the state of the corrections system at present. I note that we have had four corrections ministers in less than three years, which is quite extraordinary. We have seen a corrections system here in Victoria that has been plagued with problems. Again I refer to the huge level of contraband that we have been seeing come through the corrections system of late. But I do believe that most of the amendments moved in this bill are sensible, and I would strongly encourage the government to look favourably on the amendments that the coalition has circulated to this bill.

Mr HOWARD (Buninyong) — I am very pleased to add my contribution to the Corrections Legislation Further Amendment Bill 2017 before the house. Although I would love to hear the member for Dandenong too, I am pleased to make my comments. As we have heard from other people who have spoken on this bill, this bill focuses on two areas: essentially making our prison system safer for prisoners and for those working inside the prison system, and focusing on making our communities safer through procedures operated through the Adult Parole Board of Victoria, and also ensuring that the adult parole board has appropriate security in dealing with parolees as they make their applications for parole and as they are adjudicated upon.

First to prisons. We know there are amendments in this bill to increase maximum penalties to deter possession and use of contraband items in prisons. It creates a new role for the adult parole board, and it also creates a new role for corrections staff that provide security at the adult parole board.

I will talk first about the issue inside prisons in terms of the types of contraband. We are looking at two areas of contraband that prisoners might have. The first relates to weapons and a range of explosives, firearms and material such as that. The second relates to drugs and other contraband in that category. We are toughening up penalties for prisoners who are apprehended in possession of category 1 and category 2 items, and the nature of the items will determine how penalties will proceed.

In regard to category 1 items, possession can carry a penalty of up to two years in prison, and that includes things, as well as firearms and weapons, that we might recognise as a community are serious items for prisoners to have. It also includes things such as mobile phones or electronic communication devices because these can compromise security in prisons, and of course communicating with the outside world in unplanned ways can cause significant problems. As well there is the ability to take photos with mobile phones. They are all added in category 1, as are drugs.

Included in category 2 are unauthorised prescription drugs, drug paraphernalia, electronic storage equipment and perhaps less serious equipment, but also things that prisoners should not have. This legislation toughens up

that area, and makes clearer the procedures that should take place if prisoners are found offending.

I also want to add that, in regard to the parole board issues, it is certainly an issue that has been pursued significantly by this government. We know that we had the Callinan report completed early in our term of government, and this government, the Andrews Labor government, have worked to recognise all of the recommendations from the Callinan review of parole to ensure that we bring forward legislation at appropriate times to tighten up adult parole.

It was very interesting this week, wearing my hat as the chair of the Law Reform, Road and Community Safety Committee, where we have been undertaking an inquiry in regard to a range of drug law reform issues. We had His Honour Judge Peter Couzens, who is the chairperson of the adult parole board, speak to our committee just this last Monday. It was very interesting to hear from him his explanation of how parole is so much tighter and better controlled than it was four years ago. We have seen, for example, in the violent offences area that there has been a significant reduction in the number of people who are getting parole in those areas, down from 60 four years ago to 22, down to 13 and lower than that this year. Clearly the message from the experiences in the community has led to a complete review of the parole board, and it has been the Andrews Labor government that has led on the issue of tightening up parole. His Honour Judge Peter Couzens recognised that the parole board is now working in a much sounder way to evaluate parole issues and to ensure that only appropriate people get parole and that when they are out on parole they are appropriately supported.

There has been a significant addition in terms of the way support is offered to people who are out there on parole. He advises that last year, for example, 75 per cent of the parolees who were discharged were able to continue through on their parole without cancellation. That means that the work of the parole board is ensuring that more and more people who do get out on parole now are supported through a process that sees them get back into the community in a way that does not have them repeating crimes and that does not have them falling foul of the pretty strict conditions that are placed on parolees in terms of drug use or presenting after they get out.

That is very pleasing to hear, but — as His Honour has found — there have been issues associated with the adult parole board whereby applicants for parole have perhaps not been granted parole and it has led to violent acts. Clearly we need a strengthening of security through the appointment of proper corrections staff to provide security at the site. I note that the opposition is suggesting that protective services officers be used in that position, but this is an issue that the government has looked at and we found it to be totally unsatisfactory in that we think the best staff to provide security on the adult parole board's premises would be those who come from the corrections area and who are used to working with prisoners, which is very different from the roles that protective services officers undertake. Officers with extra skills in dealing with people in the corrections system are clearly, we believe, the appropriate people to be providing the security necessary in the adult parole board area.

We note that this bill does also further strengthen the parole system, particularly by just clarifying some of those issues where there were still some doubts — clarifying reporting and the provision of information to the adult parole board, for example.

The other issue that has been talked about with regard to this bill is recognising that we are putting energy into establishing a program where prisoners can work for pay. Some of that pay would be able to go to supporting victims of crime. We know that it is a healthy thing within the prison system to offer work to prisoners when that is appropriate to try to put them on a pathway so that when they are released at the end of their sentence, they are in a position to progress in the outside world, confident to undertake work in a way that enables them to stay away from crime. To have work experience in a prison system is a very beneficial thing to provide.

Some people here would know that I have a farm near Waubra where I have lived part of the time over the last 20 years. It is near the Langi Kal Kal corrective centre, and many of those prisoners at Langi Kal Kal provide a great deal of beneficial work across the community, particularly in the Landcare area. I have had them assisting with fencing on my property. They do a great job so far as I have seen. It is good for them, and it is good for the community to see prisoners out there doing work in the community and benefiting the community. At the same time this system will allow for some of those wages to go back to supporting victims of crime.

This legislation is beneficial for the community. It clearly tightens up on issues of security within our prisons, within the adult parole board scheme and within the broader community, and I am very pleased to support this legislation.

Mr BURGESS (Hastings) — I am pleased to rise to make a short contribution to the debate on the

Corrections Legislation Further Amendment Bill 2017. The bill actually implements eight broad amendments. Those amendments introduce a new offence to strengthen the operation of the corrections system by addressing possession or use of prohibited contraband in prisons; create a new security officer role to provide security at the Adult Parole Board of Victoria because there have been significant problems caused at the parole board premises; improve the operation of the parole system, including putting beyond doubt the application of laws introduced last year in the case of police murderers; create an explicit power to remove electronic monitoring devices and equipment; clarify that provisions relating to the discharge of firearms in prison emergencies apply to police officers who are authorised to exercise the powers of prison officers; allow regulations to permit a trial of paid prisoner employment schemes, with mandatory contributions to victims of crime and their families; make provisions for community corrections officers to carry out or supervise offender alcohol and drug tests; and clarify the custody arrangements for prisoners appearing before the chief examiner.

The main provisions certainly have some interesting detail, such as the new offence and penalties for prison contraband. Category 1 contraband includes explosives, firearms, weapons, drugs, child exploitation material and mobile phones and other electronic communications devices. Of course the community would expect those elements would be contraband within the environment of a prison. Category 1 contraband offences are punishable by a maximum of two years imprisonment. Category 2 contraband includes unauthorised prescription drugs, drug paraphernalia and electronic storage equipment and recording equipment which is not communication capable, such as photography equipment. A category 2 contraband offence is punishable by a maximum of 12 months imprisonment. Of course those in the prison system would be well-placed to make the judgement of which contraband is most dangerous in the possession of criminals and what the correct consequences of that should be.

The trial of the paid prisoner employment scheme is an interesting one and one that the opposition will watch very closely. It is envisaged that the number of prisoners participating will be around 20 to 25. These paid prisoner employment schemes were recommended as early as 2005 in the Victorian Ombudsman's report titled *Investigation into the Rehabilitation and Reintegration of Prisoners into Victoria*.

The Andrews government has been plagued by issues within the corrections system. If you do not know about what has gone on in the corrections system under this government, then you have not been living in Victoria.

Mr Eren — It is the mess that you left behind.

Mr BURGESS — I will pick up the interjection from across the table. The interjection was that it was the mess we left behind, but you have actually gone through four successive corrections ministers because none of them has been capable of taking care of the problems that have been presented by this environment. The minister at the moment is still struggling. In fact I will quote what the minister is reported as having said in an article of 9 February in the Australian Associated Press. She said:

> … the government takes a zero-tolerance approach to attempts to smuggle in contraband and detection methods are regularly reviewed.

Yet the article goes on to say:

> Data shows 9.96 per cent of Victorian inmates involved in targeted drugs tests returned positive results over the financial year to date, while 4.74 per cent tested positive in random tests.

Further:

> Corrections Victoria data has revealed seven of the state's jails are failing to meet drug rate benchmarks —

How long have you been in government? Three years. What have you done? You have gone through four corrections ministers and you are still not getting it together. The article continues:

> …with as many as one in four inmates testing positive in Loddon Prison at Castlemaine between July and November last year.

It is very clear that the government is completely out of its depth. We are not opposing this piece of legislation, although we do commend the amendments proposed by the member for Box Hill. We are hoping the government will consider those when it comes time to vote on this piece of legislation.

Although the government is on the record as not wanting protective services officers to be put in place in the first place, with the Deputy Premier calling them the plastic police, we have a great deal of faith in them and believe they would be well suited to take on the roles this piece of legislation envisages for them.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise to speak on the Corrections Legislation Further Amendment Bill 2017. As we have heard, this bill amends the Corrections Act 1986 to strengthen the corrections system. There are a large number of

initiatives included within this bill, but I will only focus on a few in the interests of time. For example, we have already heard that the bill accommodates extra prison time of up to two years for possessing or using the most serious types of contraband in prison. This contraband includes things like drugs and mobile phones, the sorts of contraband, as we have heard, that may in fact assist somebody in an escape. Clearly it is in the public interest that we would seek to crack down on those sorts of items.

We know that this bill also gives prison officers from the Melbourne Assessment Prison a new security role at the Adult Parole Board of Victoria. They will protect staff and manage risk to staff safety, pending police attendance at the site. Unfortunately from time to time security incidents have taken place at the adult parole board, where the board interviews prisoners and monitors their compliance with their parole orders and where they also make decisions about the parole cancellation of offenders. These are responsibilities and decisions that unsurprisingly run the risk of evoking an emotional and sometimes aggressive response from parolees. Prisoners may become agitated and violent and there is also a risk that they may attempt to abscond to avoid re-imprisonment.

The new security officers will be employed by the Department of Justice and Regulation. The reason these officers are being drawn from the Melbourne Assessment Prison is because they have particular expertise with difficult prisoners and they also have experience within a custodial environment. These officers will be able to use reasonable force, including the use of capsicum spray and batons and also handcuffs to restrain prisoners where necessary. They will also be able to use search-and-seizure powers, and they can arrest and detain a prisoner on parole until police arrive if the prisoner has committed an indictable offence.

Another measure included in this bill will enable a trial of paid employment for a small number of prisoners. This responds to a recommendation in the Victorian Ombudsman report entitled *Investigation into the Rehabilitation and Reintegration of Prisoners in Victoria*. The bill introduces a new power into the act to make new regulations to roll out this trial scheme. The trial would commence as a 12-month pilot at the Judy Lazarus Transition Centre. This is a facility that accommodates up to 25 men — so it is a fairly small facility — and these men have high-transition needs. Should the trial be successful, we may look to expand this to other facilities.

As we have heard, under the trial scheme prisoners will be required to make a significant contribution — about 20 per cent — from their earnings to a pool of funds that goes towards assisting victims of crime and their families. I believe this figure of 20 per cent is significantly higher than in similar schemes in other Australian jurisdictions, including the Northern Territory, New South Wales, Western Australia and the Australian Capital Territory, where the contribution is 5 per cent. These funds would be available to all registered victims of crime, not just victims of the prisoners who participate in the scheme. Some prisoners will be excluded from the scheme. These include prisoners sentenced for violent or sexual offences. The trial will obviously, and very sensibly in my opinion, exclude child-related employment.

It should also be noted that access to wages earned will be limited in order to ensure that prisoners have financial resources available to them to meet their post-release needs. I think this particular aspect is a great initiative because it will reduce the strain on post-release services, which are typically funded by state or federal governments and therefore funded by the taxpayer. I would think it would be an attractive proposition for any citizen that prisoners would essentially pay their own way, at least in part, upon their release after having served time.

I also think this trial is a positive step because it may well improve the employability of prisoners after their release, meaning their long-term dependence on government assistance may be minimised. I also expect that recidivism would be less likely where an offender is gainfully employed. We have to remind ourselves sometimes that if community safety is our key objective — and I believe it is — then reducing the chances of re-offending, channelling people into more constructive pathways, must also be a key objective, because it is a very important part of ensuring that we are reducing the crime rate and that we have a population of people who are actively and constructively engaged with our community. I will personally be taking a very keen interest in this trial. I am sure there will be plenty of learnings coming out of the trial both for this government and for future governments. These learnings will inform much more work that will come through this place into the future.

The bill also puts beyond doubt the parole laws that were introduced last year, which apply to offenders that have been convicted of the murder of a police officer, even if the prisoner has already applied for parole. The changes made last year mean that prisoners who have been convicted of the murder of a police officer can only be released on parole if they are in imminent danger of dying, or are seriously incapacitated and pose no risk to the community.

The bill before us does not extend the operation of the 2016 legislation; it simply confirms what was intended through it. I believe there is one prisoner who is captured by the amendments in this bill — that is, a police murderer who had already applied for parole before the stricter parole laws commenced in 2016. The changes in the bill before us today will put beyond doubt the fact that parole will be denied for individuals in this situation.

The bill will also insert new powers to remove electronic monitoring devices. Many in this place will be aware that prisoners in custody or on parole and offenders on community correction orders may be electronically monitored for conditions such as exclusion zones and curfews. Corrections Victoria use a variety of devices, including proximity sensors fitted in buildings in order to measure whether an offender is within a certain area. They also use GPS devices worn by offenders that inform Corrections Victoria of the whereabouts of an offender. In addition to this there is technology that assesses the alcohol consumption of certain offenders.

The requirements in the bill can be cancelled or expire, which means that the tracking devices need to be removed. Now, you would think that would be something that would be welcome to most offenders, and typically offenders would consent, but occasionally an offender may not consent or may seek to be uncooperative in the process. To rectify this the bill provides a clear power to remove electronic monitoring devices. These powers allow reasonable force to be used, which includes the use of reasonable force to enter the home of an offender to collect the equipment — all very sensible changes, in my opinion.

Finally, the bill makes clear when and how firearms can be used by police officers who are acting as prison officers during prison emergencies. When we think about what might constitute a prison emergency I think most of us tend to think about incidents such as riots. The bill essentially confirms existing security arrangements agreed between Victoria Police and Corrections Victoria. The bill also confirms in legislation existing provisions of the Corrections Regulations 2009, which have existed since 28 June 2017. Effectively what the bill does is transfer these regulations into the corrections act itself. Under the act firearms may be discharged only if certain warnings are given, where the prisoner attempts to escape or where discharging a firearm is the only practicable way to prevent death or serious injury. Again I think those are conditions that would be reasonably uncontroversial, certainly for many in this place and I think certainly for many in our community as well.

This bill constitutes a very sensible clean-up, as I think somebody else described it, of the corrections act. I think the measures around working opportunities for offenders are particularly interesting and potentially fruitful. It is something that we should really pay attention to and take an interest in in the time ahead to see how they unfold. I have got a strong interest in how we build more resilient, stronger, safety communities, as many in this place do. I think it is more than just about the stick, although that is an important part of our system. On the idea of the carrot I do not just mean that in the sense of incentives but also in the sense of how we direct people into more constructive pathways. It is just a fundamental part of building a safer community, and it is a path that those on this side of the house are well familiar with. It is core to our policy thinking. Sadly, it is something that is lacking for those opposite.

Debate adjourned on motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change).

Debate adjourned until later this day.

BUDGET PAPERS 2017–18

Debate resumed from 6 September; motion of Ms ALLAN (Minister for Public Transport):

That this house takes note of the 2017–18 budget papers.

Mr BURGESS (Hastings) — It is a pleasure to finally rise to speak on the Appropriation (2017–2018) Bill. I have been on the speakers list many times since the budget, but we moved on from the debate just before it became my turn. I am actually the last speaker on the budget this year, not that it is a great budget. I think it is fair to say that it is a massive disappointment for the majority of Victorians, specifically given the circumstances that the budget should be in if the government had done the job that it should have done. It had a windfall of over $9 billion from the sale of an income-producing asset, which it seems to have now buried in the ground. It had an increase of more than 22.2 per cent in state taxes, and on top of that the state has gone further and further into debt. So with all of that money being available to the state —

Mr Nardella interjected.

Mr BURGESS — Well, we will not talk about money with the member for Melton. It is very difficult to look around and see where the money has actually gone. Obviously there are priorities that the government has put forward. They are not priorities that the opposition agrees with in most terms, but certainly they

are ones that are worthwhile considering to see exactly how they stack up against what this state needs.

It is interesting to look at today's release of the annual reports, because we see that there have been enormous blowouts already in all sorts of things. Whether some people refer to them as a blowout or not, in fact the burgeoning public service has had an incredible achievement, if you would like to see it that way from Labor's perspective, even just in the Department of Premier and Cabinet, which has grown from 716 people last year — already a massive increase — to 946 people this year. So we are looking at more than 230 people who have been put on in the public service just in the Department of Premier and Cabinet — an astonishing statistic and something that this government certainly needs to explain to the Victorian people. The Victorian people are struggling to pay for their electricity costs and gas costs that have been pushed through the roof by this incompetent government, and at the same time this Premier is spending hundreds of thousands of dollars on his Facebook likes and employing more and more public servants in his office, so he can do his political shenanigans — something that he does very well.

Also, consider the Department of Economic Development, Jobs, Transport and Resources. One of the ministers there is the hapless Minister for Small Business, Innovation and Trade, who is really about small business in name alone because he says he is responsible for less and less things every week. In fact he added to that just this sitting week. This time he is not responsible for the huge damage that is being done to small businesses that do cleaning in schools. There are a growing number of things that he says he is not responsible for, even though they are to do with small business and they are affecting small business. It makes one wonder who in fact in cabinet is responsible for standing up for small business and doing something to help them.

That particular department just in its grants has blown out by $410 million. There has been no explanation for that. The government has not said anything about this enormous blowout, but it certainly has a case to answer there — $410 million in blowouts in that department. The minister needs to come forward and say exactly where that money has gone and why there has been such a blowout. We will not hold our breath for an explanation in the same way that we do not hold our breath for that minister being responsible for anything.

If you look at the Young Street problem that has happened in Frankston, certainly the local member has responsibility, but he cannot take all the blame for it — and he is sitting over there in his seat now sort of half-smiling. Certainly the minister should have been able to get assistance from his Premier and from various ministers, and I am not quite sure why that would not be happening. When the Young Street problem has been raised with the minister in the house, the minister has gone missing and said he is not responsible, even though there is so much damage being done to small businesses all through the Young Street, Frankston, area. This minister has gone missing and says he is not responsible. Well, he is responsible for the health of small businesses in Victoria, and if he is not going to take any responsibility for helping them out when they are being attacked by other departments within his government, then I am not sure what he is doing there.

On the level crossings, when the businesses were suffering, when somebody had to stand up to talk to the Level Crossing Removal Authority on behalf of the small businesses to make sure that their needs were taken into account; that, for instance, where the roads were being cut off was reasonable so that at least the businesses could continue to function, of course the minister went missing again: 'It's not my fault. It's not my responsibility. It's not my job'.

Then there are the Acland Street changes. Again, when the minister was asked about the small businesses that were suffering, what did he say? 'It's not my job. It's not my responsibility. You can't blame me. I don't want to know about it. Go and ask somebody else', is what he said.

Mr Nardella interjected.

Mr BURGESS — Again we come to the school cleaners, and the member for Melton should know quite a bit about this. The school cleaners work around all of our electorates; there are more than 250 small businesses out around our electorates. In fact I had a meeting with the member for Melton and a business from his electorate to talk about how they were being absolutely attacked by this government. These small businesses that are out there have been doing these jobs for decades. They have got little businesses running out there, and the schools are getting what they want because they have been able to get them to do the things they need within their school.

It is not just a template that larger businesses can often deliver in this way; they are able to cut their cloth to what suits the school. These contracts are done with school councils so that the parents get to understand what is happening within their schools, and on many occasions the larger businesses that the government is trying to push down the throats of the schools have

already been dismissed from those schools because they were not doing the job that the schools wanted. The principals, although they are reluctant to come on the record because they know what this government is like if you oppose them, have been on the front foot on many occasions saying that they want the cleaning companies that they have got because they do the job for them — and it is a very important job that they do for the schools with our children in them.

Nevertheless this government is going to sack all of those small businesses and all of the employees that they have because they are going to divide the metro area into eight sectors. The smallest of those eight sectors has 157 schools in it. The only people that can apply for a tender are businesses that can actually service at least one of those sectors — so you have to be a business big enough to take on 157 schools, which automatically rules out these small businesses from even applying for this tender. Every one of the members in this house should be angry about this because we have all got schools in our electorates and we have all got these small businesses operating in those schools, and this approach absolutely contradicts this government's intention that it puts together with its tender process that says it will make these tenders available for small businesses.

This is specifically going the other way. This is making sure that these small businesses not only cannot apply but are also losing their jobs. There are not going to be these small businesses out there cleaning these schools anymore. We are going to have probably one or two big businesses doing this job. The schools will lose their choice in what they have been able to choose in the past. This government needs to look very carefully at what it is doing for these small businesses because these small businesses are really just Victorian families. They are families. This is the way they survive and this is how the money comes into their homes, and then they go out and spend it in the small businesses around their places. To take that away from these small businesses is to do a great injustice to these families and to the Victorian community.

Again there are so many variations within this budget, but there are many things that have been left out. The rising cost of living is an incredible impost on Victorians — in fact the minister is sitting at the table — through the approach that they have taken to handling energy. If people had listened to Rod Sims in his address to the National Press Club yesterday, they would have got the truth about what is going on in the energy sector across Victoria and across Australia. He was scathing about the way we have adopted plans around the country, but specifically in Victoria, and the way Hazelwood was sold off. In fact he said, 'Who would believe that the Victorian government would have done that, costing us 22 per cent of baseload power?'

Ms D'Ambrosio — That is not true. You are verballing Rod Sims. You verbal people.

Mr BURGESS — He was very critical of green schemes that apply to all of the community, which the Victorian renewable energy target (VRET) is. Am I verballing him now, Minister?

Ms D'Ambrosio interjected.

Mr BURGESS — No, I do not think so. He lay the rise in the cost of electricity largely at the foot of the closure of Hazelwood. We know why Hazelwood closed. While the government would like to tell the community that it had nothing to do with it and that it was just a business decision, we know what happened. We know that the policy of the Andrews Labor government was to close Hazelwood. We know that they then tripled the coal royalties on our coal-fired generators, which is something that no business model could accept.

When no business model could accept that sort of thing, Hazelwood was forced into a situation where it was only just hanging on, and then the government dispatched its loyal Treasurer over to see Engie in France. He saw that the coal royalties were tripled in May. Tim Pallas was the Treasurer who was dispatched to see Engie in France at the start of November last year, and by the end of November Engie had reluctantly announced that they would close Hazelwood — 22 per cent of the base load of Victoria's electricity. If you look at what Rod Sims said yesterday — and I am not verballing him — that was a very large contributor to why Victorians are now struggling to pay their electricity bills. You have gone very quiet, Minister.

There is a whole range of things that this government could be doing to bring those costs down. Rod Sims, the chair of the Australian Competition and Consumer Commission, laid out a plan, but I am sure that this government will not look at that because it is caught up in its ideological march towards a green future. Nobody in their right minds would get rid of what we use for our generation of electricity without replacing it with something else, and that is exactly what this government has done.

Ms D'Ambrosio interjected.

Mr BURGESS — You have said that it is ideal if we go out and close the generators. If you asked anybody in the street, even if you asked the opposition,

'Do we need to close the generators?', the answer would be, 'Eventually, yes'. But do you close them before you have replaced them? No, you do not. What happens? It becomes less available. Gas becomes less available because there is a moratorium on it, and of course what do prices do? Read what Rod Sims said.

Ms D'Ambrosio interjected.

Mr BURGESS — Have a look at our policy, Minister, and see what that says. Have a look at what Rod Sims said yesterday. Who would have possibly thought that your government would not only have a moratorium on fracking, which we all support, but also a moratorium on conventional gas?

Ms D'Ambrosio — That is what you have got.

Mr BURGESS — No. It is not our policy, Minister; it is your policy. Conventional gas in Victoria is available, but we are not allowed to look for it. So what do you think people do when they decide where they are going to go to supply energy? They do not come to this state. That is exactly the sort of approach that has been taken in Victoria to the ports. Not only did they withdraw all funding to the port of Hastings that was being developed to take care of a major problem that Victoria has but they have also short-changed the Victorian people by telling them lies.

The Infrastructure Victoria report was based on assumptions that nobody was aware of — for instance, that there is no such thing as a port of Melbourne, that the dredging in Port Phillip does not have to be counted because it is going to be used to make a mud island and that they used the dredging numbers from the port of Hastings as the largest possible port that you could build down there rather than the one that we actually planned to build. So of course that is another way that this government is hoodwinking Victorians, and it just really continues to do that from day to day.

Nothing has been done in my electorate. In 11 years of the Bracks and Brumby government there was virtually no investment in my community at all, and this government has continued that process. Look at the things that could have been funded, such as the development of the Port of Hastings. Despite it being the government's policy, instead of spending money there at all you decided you were going to drop it as soon as the opposition adopted it in government. On additional transit police for the Stony Point line and opening the Somerville police station — we have record crime rates that have been rising since you became government. You have done nothing to stop them. They are continuing to rise.

The Somerville police station was promised to my community in an election campaign. The government was elected, and built it as the authority government. Then when it was time to open it, you were the government and you decided not to. But what did you do? You decided to hold back police from the station and instead sent them down to one of your marginal seats, withholding them from my community. That is the kind of approach this government takes to Victorians. It is all about politics, it is never about Victorians, and this is a disgraceful budget.

Motion agreed to.

RENEWABLE ENERGY (JOBS AND INVESTMENT) BILL 2017

Second reading

Debate resumed from 19 September; motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change).

Mr BURGESS (Hastings) — I will continue with my contribution. Another item I have been talking about is the contribution from Rod Sims, the chairman of the Australian Competition and Consumer Commission, who spoke to the National Press Club yesterday and made very strong points about what is to blame for why we find ourselves in such a diabolical situation.

There are a number of things that he said. Some of them certainly reflect very, very poorly on this government's decisions, particularly on its decisions to maintain a moratorium on conventional gas as well as fracking. He made the point that gas can be obtained from brown coal without fracking, but that is something this government has completely overlooked. He also spoke of the fact that they have banned and are continuing to ban conventional gas exploration in Victoria, something that would make a massive difference to the availability of gas.

Mr Nardella interjected.

Mr BURGESS — The member for Melton wants to argue with the ACCC chair, but I would suggest that he looks before he opens his mouth and makes a fool of himself like he always does.

Sims has said the closure of Hazelwood has contributed significantly to the increase in energy costs to Victorians. In fact the Premier said that the closure of Hazelwood would cost — I believe it was 18 cents or thereabouts, or it may be up to 78 cents, depending on which day it was. But we now know it has doubled and

tripled in many places, and the costs just continue to soar. In fact the comparisons that Rod Sims made yesterday about how it has been handled in different states really leaves Victoria in a very, very poor light. He said yesterday:

> The three LNG producers, however, could not have foreseen that after their investment decisions were made the onshore gas exploration and development rules would change completely. I doubt anyone in the industry expected Victoria to ban all onshore gas exploration and production, which has stopped even conventional gas projects; nor could they have foreseen the delays and uncertainty over projects in NSW and the NT.

That is a direct quote, and the member for Melton can always look for that on the ABC website, which I am sure he spends a lot of time on. Sims also said that:

> Greatly worsening the picture is the spectre of regulatory uncertainty and state and territory-based moratoria, which has delayed or stopped development entirely.
>
> Moratoria and other regulatory restrictions in New South Wales, Victoria and Tasmania are preventing or impeding onshore gas exploration and development in those states, and particularly causing higher gas prices in the south.
>
> As we said in our first gas inquiry report, while we do not purport to weigh in on the debate surrounding the environmental issues, we feel that policy makers need to consider the cost or benefits of projects on a case-by-case basis.

That is something this government should be looking at. We know that we are in a diabolical situation, and in fact it was described as 'a very bad place' yesterday by Rod Sims. This government is doing nothing to fix that situation.

When it really starts to have an impact is when you understand what it is doing to Victorians. Across my electorate I have had the experience of talking to many in my community who have told me what effect this is having on them, on their families and on their businesses. It really is quite devastating. In fact it was in the newspaper, and I have got the quote in front of me, where they ended up owing $18 000 on their electricity bill. That $18 000 was going to see them have their electricity cut off. Much of the money was being spent on electricity that they were relying on for life support systems. The piece was in the first edition of the *Sunday Herald Sun* on 3 September, and I quote:

> Rising power bills are leaving Victorian families with debts of up to $18 000 for unpaid gas and electricity.
>
> A *Sunday Herald Sun* investigation into Victoria's three largest energy retailers, AGL, Origin and Energy Australia, reported the shutting down of Hazelwood power station had driven prices up.

The Minister for Energy, Environment and Climate Change has gone very quiet at the table because it is very difficult to argue with that. To quote, further down:

> 'What we are seeing are some real challenges for customers who have got themselves into significant arrears', she said.
>
> 'It is not unusual for customers to present to us with $5000 worth of outstanding arrears.
>
> 'There are customers finding themselves in really dire situations.'
>
> In one case EWOV was contacted by a woman with $18 172 in electricity debts and faced disconnection despite needing power for life support equipment.

There is no doubt that Victorians are under huge pressure. They are under huge pressure because this government's policies are driving up electricity prices further. The closure of Hazelwood has taken 22 per cent of base load power out of the grid and it has not been replaced with anything that is reliable. There is a continuing moratorium on exploration for both non-conventional and conventional gas, and that is — again in the words of Rod Sims from yesterday — driving up the price of electricity as well. The lack of availability of gas has a direct impact on the price of electricity.

This government's policies are driving energy prices to the point where Victorians can no longer afford it. We have the most vulnerable within our community having to choose between turning the lights on or eating food. We have them staying in bed for the majority of the day to stay warm, and this government has not responded to that in any way. It is not good enough to put in little programs to look after individuals; these are policies that are destroying the livelihoods of people and destroying the lifestyles of people, as well as putting the most vulnerable lives at risk.

House divided on motion:

Ayes, 46

Allan, Ms	Knight, Ms
Andrews, Mr	Languiller, Mr
Blandthorn, Ms	Lim, Mr
Bull, Mr J.	McGuire, Mr
Carbines, Mr	Merlino, Mr
Carroll, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Garrett, Ms	Sandell, Ms
Graley, Ms	Scott, Mr
Green, Ms	Sheed, Ms
Halfpenny, Ms	Spence, Ms

Hennessy, Ms
Hibbins, Mr
Howard, Mr
Hutchins, Ms
Kairouz, Ms
Kilkenny, Ms
Staikos, Mr
Suleyman, Ms
Thomson, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 35

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

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Mr SOUTHWICK (Caulfield) — Minister, in May 2011 you said that the then government's decision to keep Hazelwood fully operational was:

> … disgraceful. Our state must be looking at ways to lower our dependence on brown coal and finding new ways to generate energy. Partially shutting Hazelwood was part of this process.

We have seen the government walk away from negotiations to partially close Hazelwood power and help Victoria move away from its dependence on brown coal. Minister, given your public statement on closing coal-fired power stations, will the Victorian renewable energy target (VRET) in any way impact on the commercial viability of any other coal-fired power stations, such as Yallourn, and result in bringing forward their closure dates? I particularly refer to the 40 per cent target in 2025, noting that Yallourn is scheduled for closure at 2032.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — Thank you very much for that question; the simple answer is no. Our targets are designed to grow more supply into the market, which will put downward pressure on wholesale prices. We know that we all could do with more energy supply in the market, and that would certainly contribute to lowered bills. Our commitment to growing renewable energy in the bill before us is very clear about that, and I go again to the heart of the question put by the member for Caulfield — that is, that is wrong, that is not the purpose of the bill and it will not achieve that end result.

Mr SOUTHWICK — Clause 1(b) states that the purpose of the act is 'to support schemes to achieve targets under this Act'. Will the minister outline what schemes are in the bill to achieve the targets and what will the total cost of supporting all schemes be to reach these targets?

Ms D'AMBROSIO — I thank the member for Caulfield for his question. The schemes that are discussed are very clear and we have made public comments on several occasions about the way that we will achieve our renewable energy targets. That will be through a series of reverse auctions that will provide the best outcomes for consumers in terms of the generation capacity coming forward — certainly the best value one that will ensure that we have significant local content so we maximise the job opportunities for Victorians and the investment that is made within our state. In terms of the cost of those, we have been clear that the government will be funding these auctions as they are identified.

Ms SHEED (Shepparton) — Minister, many people in my electorate of course support renewable energy in the overall sense, but from speaking to many of the business people in my electorate there is a real concern about there being access to power when it is needed. I think that has arisen in this debate, and I noticed that in your second-reading speech you have made a statement that:

> Energy security will also be a key feature of actions to meet the targets in this bill, and weighting will be provided to projects and new technologies that add to overall security.

Minister, it is concerning when one considers how much support may go just to wind and solar. On the issue of weighting and security I am wondering whether, in the actions that will come out of this bill, there will be a weighting in favour of those technologies such as hydro, biomass and of course just storage generally, that will provide a level of stability in terms of supply?

Ms D'AMBROSIO — I thank the member for a really insightful question. The focus of those comments in the second-reading speech, which go to the purposes of the bill before us, is the importance of planning very carefully the growth of renewable energy for our state. We are very clear about this, and we are very clear that

we need to make sure that with the growth of energy supply coming into the market and because the cheapest forms are renewable — and that is why we are seeing many of those coming through and in particular this bill is designed to facilitate that because we know there are many jobs for Victorians in that — it is important for us to also plan alongside of that, that we have a very clear focus on the need to augment more energy into the system and to consider location issues. Examples would be areas where there may be a need for augmenting or strengthening of the grid so that any renewable energy connections are able to be maximised in terms of their output and are supported by the network.

Depending on the location of proposals that come in to be bid on through an auction process, there may be a need for consideration and weighting to be given to other technologies, including a variety of renewable technologies, potentially even hybrid technologies coming in together, coupled potentially with storage technologies, for example, that can ensure that Victoria can continue to enjoy the security of energy that it has enjoyed thus far well into the future. For example, there may be renewable energy proposals coming through that are not restricted to solar or wind, but other types of renewable energy, and this bill allows regulations to be made for us to be able to articulate and make very clear to industry and investors those technologies that will be able to access the VRET scheme.

I can be absolutely clear that our commitment is to ensure — and this is absolutely possible — that not only can we grow more renewable energy for our state but it will be far more affordable, will lower wholesale prices and, very importantly, maintain or improve the existing security levels of our grid. At the end of the day every customer, whether they are a farmer, whether they are another business owner or whether they are a family, wants to know that when they need electricity it is going to be there for them to access at the time that they need it. That is why we ensure that the way we design our auctions and the weightings ensure that security is a key feature of any technologies that are connected to the grid and given the consideration that is required. That is what communities expect of an energy supply.

By way of example, a few months ago the Victorian government, the Premier and I announced a significant agreement that we have struck with Nectar Farms in regional Victoria, together with Bulgana Wind Farm, which will provide them, coupled with a cheap, affordable renewable energy source — coupled with energy storage technology at a particular point of the network where there are constraints and not enough supply — with a 24-hour electricity supply seven days a week so that this business has the confidence to invest in and grow that business and grow the jobs there for regional Victorians.

These things work. They can work. We are committed to that. We have a very keen eye on ensuring that a whole range of renewable energy technologies are coming in. We are very clear about where they are located to ensure that, ultimately, we allow those technologies to be considered, given the necessary weighting dependent on the locations and the technologies being used to ensure that people will be able to rely on the security of that energy supply that they have come to enjoy now for some time.

Ms McLEISH (Eildon) — Minister, you have mentioned the reverse auctions before, so putting that into the context of having the auctions for wind and solar and looking at spending between $250 million and $350 million, if not more, kind of makes me shudder a little bit because I have very clear memories of the Auditor-General's report when you had the fire sale of gaming machine entitlements and brought in $3 billion less than anticipated. Given that you are going ahead with this auction process, will projects in other states be able to bid in this auction? I ask this question because at the briefing your office said that projects in other states would be able to participate in the auction process.

Ms D'AMBROSIO — I say to you very clearly that the purpose of our program, our agenda and our bill is to have renewable energy investment made in our state — investment spent in our state and jobs created in our state.

Mr RIORDAN (Polwarth) — Minister, at 4.30 p.m. on a Thursday afternoon, looking at the National Electricity Market (NEM) website, I can see the wind assets that this state currently has are all running at about 10 per cent capacity and our coal and gas plants are all running at 100 per cent capacity. Considering that there is a huge investment in resources in an energy system that is not being very productive on a randomly picked of a day of the week, what emphasis or weighting will the government give in its support of renewable projects, which the community is after, that will have a focus on being able to provide much greater reliability and consistency than 10 per cent in the middle of the afternoon in a busy work week?

Ms D'AMBROSIO — I thank the member for his question. I am actually seriously considering running a 101 class in energy, because every time I get a question in this chamber about energy, whether gas is relevant to making electricity and how the national energy market operates, I really shudder to think about

the lack of knowledge and intelligence on the part of those opposite.

The fact of the matter is this: anyone who understands the energy market will understand that any market is based on the cost of the product — in this case it is electricity — at any point in time. Certainly the way that the Australian Energy Market Operator runs our network is based on demand and supply at any particular point in time across a 24-hour cycle. Because we are an interconnected market, you will see that electrons know no boundaries. They go from one state to another, following the price. So there will be times when gas-fired generation is in more demand, there will be times when coal generation will be in more demand and there will be times when generation from solar, hydro, wind or other technologies will be in demand. It is all about the price. This is what you need to understand when you have a look at those little maps or apps that you have got.

The point that is very clear about this is that all of the experts understand this, including the market operator, which is the organisation that is charged with balancing out demand and supply to make sure that all of those demands are able to be supplied by a whole range of energy technologies. The market operator has made is very clear. In fact I was very pleased that the CEO attended the launch of our VRET scheme last month, and she welcomed it, as have all of the experts that understand that the key to a successful future energy market and energy grid in terms of meeting supply and meeting demand is the dispatchability of the technologies.

Dispatchability means a whole range of things, but ultimately it means that you can have a whole range of technologies in there and you can have a whole range of sources of energy. The key is to ensure that they are dispatchable. There is a whole range of technologies which give fiat to dispatchability, whether it is wind, whether it is hydro, whether it is solar, whether it is biomass — a whole range of technologies. Those technologies are with us now. That is why our government is absolutely committed to growing those technologies in Victoria. We have got an energy storage tender out right now. We have even got the federal government investing in energy storage technologies. Today we had the release of really seminal mapping of potential pumped hydro energy storage sites right across the nation, providing thousands of gigawatt hours of energy, if there were investors who were interested, for example, in pursuing that particular technology.

So all of these things are possible, and the fact is that without understanding this properly Victoria and the country run the risk of actually having nothing new built because people are actually thinking backwards and not forwards, not understanding the technology and not understanding how the market operates. That recipe will result in more shortage of supply and much, much higher wholesale bills.

Ms SANDELL (Melbourne) — I will ask two questions in one, given that we have not been given very much time for consideration in detail. It is clear from their questions that the opposition do not really understand renewables, let alone support this legislation. There is obviously a need to futureproof the VRET, to give industry certainty and also to make sure that we are meeting our targets for the climate's sake, so I am wondering why the government chose not to specifically include in the bill any mechanism to require the government to meet the targets and instead rely on reporting to Parliament. Secondly, also why there are no penalties written into this bill for a government not meeting the targets? From that, given there are no penalties, how does the minister anticipate this government or future governments will actually be compelled to meet the targets?

Ms D'AMBROSIO — I am sorry; I just want to make sure. The question, I understand, is: why no penalties? And the first part of the question, if I may?

Ms SANDELL — Why is there no mechanism for meeting the targets in the bill, such as reverse auctions?

Ms D'AMBROSIO — Thank you very much for that. I will take the second question first: why no penalties? Because it is our legislation, we support it, we are going to do it and we are going to achieve our targets.

An honourable member interjected.

Ms D'AMBROSIO — It is an answer, frankly. The fact is this: the bill is very clear. The purpose of the bill is really to give investors the confidence that they need that they have a government that is absolutely committed to growing renewable energy, and it gives them a very clear indication of the pipeline of investment opportunities. We know that there are billions of dollars of global investment by people waiting for a government that is going to give them the certainty to actually come and invest. I have had the opportunity to have many conversations and meetings with a lot of global businesspeople to that effect. When I talk about the fact that we have got a bill, legislation,

they are absolutely delighted by that because they know that we are absolutely committed to this.

What is important here is that the bill talks about two particular points in time when the government needs to indicate to industry and to the whole community what capacity of renewable energy we are looking to put out to tender over a period of time. So that first point is at the end of 2019. Then there is a second point about what is needed after that date, after the 2020 period. When the first target is met there is a point after that when again we indicate to industry what the megawatt capacity is that we are looking for to meet the target for 2025.

The reason we have done it that way is to make sure that we have got the flexibility to take into account a whole range of circumstances. I think that is a really responsible thing for us to do. We do not know what is happening at a federal level, absolutely. The reality is, though, that this is our bill, regardless of what happens federally. If there is something positive that happens federally, our bill will be complementary to that, but that is the way that we have decided will be an important way to deliver on our objectives.

Mr BURGESS (Hastings) — Minister, Ernst & Young stated in the VRET modelling report:

> If investment in network infrastructure were required to facilitate renewable generation development, this would likely lead to increases in retail electricity prices through higher network charges.

Why was this cost of connecting new renewable energy sources, as dictated by your department, not included in your modelling for the cost of the VRET to Victorians?

Ms D'AMBROSIO — The answer is very simple. The Australian Energy Market Operator is doing a whole range of work in a number of states about grid augmentation. In fact the Prime Minister has asked Snowy Hydro, which he wants to develop into Snowy 2.0 at some point, to do some work and a feasibility study on that. So there is work that is already underway, and the information in terms of costs of the augmentation will be borne out as more information comes to light.

A lot of this will also depend on where the location of the renewable energy projects will be across the state. As those opposite ought to know — but if they do not — Victoria is interconnected with three states. There are a number of interconnections; there are four. There are parts of the grid that are more than capable of accommodating more energy coming onto them, absolutely. There will be others that in due course may need to be augmented. Those matters will be determined as we go through all of these issues when we go through the auction process and weightings.

As is the case with all types of energy calculations that are made — all other energy projects that are made into the future — the Australian Energy Market Operator undertakes its studies. It also undertakes various regulatory impact assessments and studies in terms of the costs of these things. Then ultimately it will advise the market of those costs, and decisions will be made with respect to whether any parts of the grid in any of the states require augmentation or not. That also depends on other technologies that may be deployed and that can actually avoid network augmentation.

This is part of the equation that those opposite do not actually understand. When you have a lot of other technologies that can be deployed, through demand response either across the state or in particular parts of the state, you can actually reduce the need to augment and do costly upgrades to networks. Once you start to understand that, then you will start to appreciate that all of these things are carefully calculated and considered as part of the ongoing studies that the market operator and others are undertaking.

Ms SANDELL — The definition of renewable energy in the bill does not explicitly rule out counting as renewable energy the burning of native forests as biomass. Does the minister anticipate that burning native forests as biomass will be classed as renewable energy under the VRET?

Ms D'AMBROSIO — I thank the member for Melbourne for her question. The Labor Party has always been very consistent in its position in terms of refusing to use native wood for renewable energy target schemes. That has been the case federally and it has been the case in Victoria. That will continue. Providing this bill is passed, there is a power in here for the minister to declare a whole range of other renewable energy sources, but also to define what potentially may be excluded from that. I have been very clear with anyone who has asked me this question over the journey that we have been in government that native timber would be excluded from VRET auctions.

Mr SOUTHWICK (Caulfield) (*By leave*) — Minister, you have stated time and time again that the Victorian renewable energy target will bring down prices and that it is a supply issue. When questioned many times about the pricing situation, you have said that prices will actually come down in mid-2018, that we will see a reduction in energy prices because our signalling of the VRET will indicate that prices will reduce as a result of your policies. Mid-2018 is July.

Minister, could you state publicly to this house that if prices do not reduce by July 2018 because of your policies, you will resign as minister of this portfolio?

Ms D'AMBROSIO — I thank the member for Caulfield for his question. I will refer the member to the pricing report of the Australian Energy Market Commission (AEMC). The Australian Energy Market Commission produces annual reports —

Honourable members interjecting.

The DEPUTY SPEAKER — Order!

Ms D'AMBROSIO — If they want to hear the answer, I will give them the answer.

The Australian Energy Market Commission produces annual reports by state about pricing trends. The report that the AEMC released at the end of last year for Victoria made it clear that with the 2018–19 period —

Honourable members interjecting.

Ms D'AMBROSIO — I refer the member for Caulfield and those opposite to that AEMC —

Mr Burgess interjected.

Ms D'AMBROSIO — Do you want to hear the answer?

The DEPUTY SPEAKER — Order! The member for Hastings!

Ms D'AMBROSIO — Listen to the answer; you might learn something.

The AEMC report on annual pricing for Victoria says that with the coming online of new renewable energy, more supply coming into the market, prices will start to come down from 2018–19 — that is that financial year.

Mr Burgess — You said mid-2018.

Ms D'AMBROSIO — It says 2018–19. That is what the Australian Energy Market Commission said. The fact is this — all of the experts have been very clear on this — the more supply that comes into the market, especially cheap supply and renewable energy, the lower the prices, and whether those opposite want to hear it or not, the cheapest form of new-build energy anywhere in the world is renewable energy —

Mr Southwick — On a point of order, Minister —

The DEPUTY SPEAKER — Wait to be called, member for Caulfield. The member for Caulfield on a point of order.

Mr Southwick — Thank you, Deputy Speaker. Minister, could you give us a month when the price will come down next year? June, July, August —

The DEPUTY SPEAKER — That is a second question. Member for Caulfield, are you seeking leave to ask that question?

Mr Southwick — It is a point of order —

The DEPUTY SPEAKER — It is not a point of order. The minister to continue.

Ms D'AMBROSIO — Thanks very much, Deputy Speaker. The fact is this: those people who understand the way that the energy system works understand that more supply coming into the system means that we will have lower energy prices. Those opposite might not like the answer because they have an ideological block on renewable energy.

Mr Wakeling — On a point of order, Deputy Speaker, the member for Caulfield asked the minister a very specific question: that if she was willing to stand by her words and if the targets were not met —

The DEPUTY SPEAKER — What is your point of order?

Mr Wakeling — Will the minister resign from her portfolio? That was the question. The minister has indicated that she will provide an answer. The answer is very simple: yes or no. I ask you, Deputy Speaker, to call on the minister to provide the answer to that specific question which was asked by the member for Caulfield.

The DEPUTY SPEAKER — The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Clause agreed to.

The DEPUTY SPEAKER — The question is:

> That clauses 2 to 10 inclusive stand part of the bill, the bill be agreed to without amendment and the bill be now read a third time.

House divided on question:

Ayes, 46

Allan, Ms	Knight, Ms
Andrews, Mr	Languiller, Mr
Blandthorn, Ms	Lim, Mr
Bull, Mr J.	McGuire, Mr
Carbines, Mr	Merlino, Mr
Carroll, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr

Donnellan, Mr
Edbrooke, Mr
Edwards, Ms
Eren, Mr
Garrett, Ms
Graley, Ms
Green, Ms
Halfpenny, Ms
Hennessy, Ms
Hibbins, Mr
Howard, Mr
Hutchins, Ms
Kairouz, Ms
Kilkenny, Ms
Pallas, Mr
Pearson, Mr
Perera, Mr
Richardson, Mr
Sandell, Ms
Scott, Mr
Sheed, Ms
Spence, Ms
Staikos, Mr
Suleyman, Ms
Thomson, Ms
Ward, Ms
Williams, Ms
Wynne, Mr

Noes, 35

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

Question agreed to.

Bill agreed to without amendment.

Third reading

Motion agreed to.

Read third time.

OATHS AND AFFIRMATIONS BILL 2017

Second reading

Debate resumed from 20 September; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (GOVERNANCE) BILL 2017

Second reading

Debate resumed from 20 September; motion of Ms NEVILLE (Minister for Police).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CAULFIELD RACECOURSE RESERVE BILL 2017

Second reading

Debate resumed from earlier this day; motion of Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change.

Motion agreed to.

Read third time.

Third reading

Motion agreed to.

Read third time.

CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017

Second reading

Debate resumed from earlier this day; motion of Ms NEVILLE (Minister for Police).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — The question is:

That the house now adjourns.

Mr T. Bull — On a point of order, Speaker, in relation to an overdue response, on 10 August I raised an adjournment matter with the Minister for Education relating to the Briagolong school bus service, which is a very important issue for that community, and they are eagerly awaiting an answer. I would ask you to remind the minister that that is overdue, and if he could forward a response to me, I can pass it on to that community. That would be greatly appreciated.

Knox bus services

Mr WAKELING (Ferntree Gully) — (13 146) My adjournment matter is for the Minister for Public Transport, and the action I am seeking is that the minister take action to improve bus services within the community of Knox. The Ferntree Gully electorate resides completely within the City of Knox and covers the suburbs of Wantirna, Wantirna South, Ferntree Gully, Scoresby and Boronia. Many residents have raised concerns with me about a lack of adequate public transport services within the Knox municipality.

With Victoria's population growing at a rate of over 100 000 residents each and every year, Knox is taking its share of that increased population. We have seen significant development, particularly high-rise development, in Wantirna South adjacent to Knox city as well as unit development throughout the municipality. We have also seen an expansion in the health facilities at Knox Private Hospital, which will soon become the second-largest private hospital in Melbourne. We are also servicing Swinburne and Westfield Knox shopping centre, and there is significant movement of traffic as well as people throughout the municipality.

This is all adding pressure on the public transport system in Knox, which is serviced by bus services that connect with the tram service at Vermont South as well as the Belgrave line, which is within my electorate, at Ferntree Gully railway station. We have had concerns raised about a lack of shelter at the station for people on the city-bound platform. There is also a problem with a lack of car parking, which I see the minister is upgrading this year, which is supported by our community and was a commitment by the coalition at the last election.

There are clearly concerns being raised about the adequacy of our bus services. We have had concerns raised about the connectivity between the bus and the tram service, which is located at Vermont South — in fact the bus will often arrive when the tram has already departed. This is causing concern. Minister, on behalf of my residents I seek for you to take action to ensure that there is an upgrade to the adequacy of public transport services in Knox, particularly with preference for upgrading our bus services.

Gambling regulation

Ms BLANDTHORN (Pascoe Vale) — (13 147) I appreciate the opportunity to raise a matter for the attention of the Minister for Consumer Affairs, Gaming and Liquor Regulation. The action I seek is that the minister provide an update on what the Victorian government is doing to minimise gambling-related harm across the electronic gaming machine and sports betting industries. Many members of the community, including Pascoe Vale constituents, are very supportive of measures that reduce gambling-related harm for vulnerable individuals and their families.

I understand the Victorian government recently undertook a review into electronic gaming machines in order to better protect problem gamblers. As the minister is aware, in recent times we have also witnessed the rapid emergence of online betting agencies and platforms. The accessibility and coverage of these online betting agencies means that it is important to ensure they are also appropriately regulated. I welcome the minister's review on this matter, and I am supportive of the introduction of regulations and initiatives that better protect our communities.

Euroa electorate crime

Ms RYAN (Euroa) — (13 148) The adjournment matter I raise this evening is for the Minister for Police, and the action I seek is that she visit my electorate to hear firsthand from the people who are being impacted by the wave of crime sweeping country Victoria. The Andrews government continues to talk about its investment in frontline police numbers, but the reality is that after almost three years there are only 134 extra police across Victoria. Per capita this is well below where police numbers were in November 2014 and at least 200 police below what Victoria needs based on the state's population growth rate.

Crime is increasing across the Euroa electorate. Our police, who are working at the front line, are struggling to keep up. I want to commend the work of my local police, who do an outstanding job, but they, like the rest of us, cannot be in two places at once. Last month

intruders invaded the home of Peter Cocks. Peter does not live in St Kilda, South Yarra or Sunshine; he lives at Waranga Shores. Luckily Peter scared them off and no-one was hurt, but he tried to call local police at Rushworth and Murchison for an hour and a half following the incident but with no answer. His call was not diverted. He has since spoken with staff at Echuca and Kyabram stations, who told him they are severely understaffed. Peter has now installed security measures because he does not feel safe in his own home.

In Shepparton earlier this year Sharon Moore was home alone one evening over a long weekend when at 5.40 p.m. two men tried to break into her house. Terrified, she immediately called 000 to request police assistance. She waited for police to arrive, but they never showed. Luckily Sharon's dog became defensive, which scared the men off, but Sharon wonders what may have happened if it had not been for her dog. When Sharon visited the police station during the following days, she was told that there were seven call-outs at a similar time as hers and there were not enough police to meet demand. On Sunday I dropped by the Avenel Maze to talk with Jane Stary. Jane was in the process of cleaning up after having been robbed of tools and more than $4000 in cash the night before.

These stories are just a few of the many. Local police are under pressure and are under-resourced. They are dealing with a sentencing regime that often does not support them. When they arrest someone the offender in some instances beats them back out onto the street. The Nationals along with our Liberal colleagues have promised to put the rights of victims before the rights of criminals. We have pledged to change bail laws to make Victorians safer and introduce a presumption of remand for repeat violent offenders. We have also promised to reinstate funding for Neighbourhood Watch, which was cut under this government. By contrast, Labor is soft on crime and has under-resourced our police force, leaving country Victorians exposed.

Thompsons Road duplication

Ms KILKENNY (Carrum) — (13 149) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to provide an update on stage 2 of the duplication of Thompsons Road, which covers Thompsons Road between Frankston-Dandenong Road in Carrum Downs and Evans Road in Cranbourne. Carrying 26 000 vehicles each day, Thompsons Road is an essential freight and transport route and a vital east–west corridor in Melbourne's growing south-east region. This duplication project will reduce congestion, increase capacity and move traffic more safely and efficiently. A new duplicated, wider road will also reduce rat-running by motorists around side streets and residential estates. The Thompsons Road upgrade will improve the local amenity and provide healthy alternative transport modes such as cycling or walking along a shared user path separated from the road.

The shared user path will be constructed on the entire length of the north side of Thompsons Road, while shared user paths will be strategically built on some sections of the south side of the road. I know my constituents are very keen for work to start on stage 2 of the Thompsons Road duplication and look forward to the minister's update.

Baw Baw kindergartens

Mr BLACKWOOD (Narracan) — (13 150) I wish to raise a matter for the Minister for Families and Children in the other place. The action I seek is that she support an application from the Baw Baw Shire Council for funding for a new co-located early learning centre on the Warragul Primary School site. Currently the Baw Baw shire is experiencing unprecedented growth. There is an influx of young families moving into the shire, and as birth rates continue to rise so too does the need for early years services. This year there will be more than 1000 babies born at the West Gippsland Hospital, and currently there are around only 600 four-year-old kinder places available in the Baw Baw shire.

The council has four community-based sessional kindergartens in Warragul. Bowen Park Kindergarten, one of our community-based facilities, is closing at the end of 2017, a loss of 52 places, placing stress on kindergarten capacity. Baw Baw shire, in partnership with Warragul Primary School, is proposing the delivery of a new co-located kindergarten facility which will offer children access to integrated services and ease the transition from kindergarten into primary school.

We are seeing the benefits of co-locating early learning centres on primary school sites at Yarragon Primary School and Drouin Primary School, which have adopted this model in the Baw Baw shire. Council have clearly articulated in their four-year council plan the importance of providing kindergarten facilities for this growing community, and I commend them for setting aside an appropriate budget.

Warragul Primary School is a perfect site for a new early learning centre. Located in a very central, easily accessible area of the Warragul township, it has plenty

of room on the site. The provision of kinder programs will certainly enhance the high quality of education currently provided by the dedicated, hardworking teachers and staff. It will also provide a seamless transition from kinder to primary school for students and parents and give parents the opportunity to have their children educated from kinder to year 6 at the same education hub. I ask Minister Mikakos to support Baw Baw shire's new early learning facility grant application for the construction of a new kindergarten in Warragul.

Kilberry Valley Primary School

Ms GRALEY (Narre Warren South) — (13 151) My adjournment matter is for the Minister for Education, and it concerns Kilberry Valley Primary School. The action I seek is that the minister visit this outstanding local school to open their new inclusive learning spaces. As part of the Andrews Labor government's Inclusive Schools Fund, Kilberry Valley received much-needed funding to create a more inclusive learning environment. This has been achieved through the modification and extension of existing school facilities. These upgraded new facilities now incorporate withdrawal spaces, a multisensory room and a passive safe sanctuary garden. Such facilities will support students with disabilities and diverse needs to better participate and engage with their learning at school.

Principal Neil Cunningham and his team continue to go above and beyond for each and every one of their more than 800 students. Almost 100 of their students are funded through the program for students with disabilities. These students need additional support and assistance for many of the things we take for granted each and every day. Many suffer from sensory issues that can very quickly become overwhelming and are often very difficult to address within your average classroom. That is why this school has taken the step of creating more inclusive learning spaces for their students. They want to ensure that all of their students have the support, assistance and learning environment they need to reach their potential. I cannot wait to see the students in action in their new, more inclusive learning spaces. I hope the minister will join with me in visiting this extraordinary local school to officially open their new inclusive learning facility.

Murray-Darling Basin agreement

Ms SHEED (Shepparton) — (13 152) My adjournment matter is for the Minister for Water, and the action I seek is that she urgently take all steps to release the expert panel's report into the Murray-Darling Basin plan that was commissioned in February this year. The expert panel was established by the Minister for Water and the New South Wales Minister for Regional Water, Niall Blair, to provide advice on the technical foundations of the basin plan's sustainable diversion limit adjustment mechanism. This mechanism allows for the 2750 gigalitres of water to be recovered under the plan, to be offset by 650 gigalitres worth of projects that deliver equivalent environmental outcomes.

When the expert panel was announced both ministers argued that there was a lack of transparency around the assumptions that sit at the heart of the mechanism. The panel reported back to the minister in mid-March, yet the results of the review have still not been publicly made available. At the last Murray-Darling Basin Ministerial Council meeting of water ministers in June this year, agreement was reached to sign off on up to 650 gigalitres worth of works to meet the basin plan's targets. This is in lieu of buybacks of water or otherwise water being taken out of our consumptive pool.

In recent weeks representatives from the Murray-Darling Basin Authority (MDBA) have been conducting community meetings throughout the basin, providing general advice about these environmental measures and projects that have been put up by the states. However, no details were provided of the actual projects to be implemented locally, and there remain many questions for our regional communities. There is a strong belief throughout the southern basin community that the MDBA has been less than transparent in many of the actions it has taken. The release of the expert panel's report would provide a level of comfort and more detailed knowledge about the technical foundations for going forward on these issues. Recent media reports by the ABC's *Four Corners* and *Lateline* programs of alleged water misuse and indeed theft in the northern basin have raised serious concerns about the integrity of the plan as a whole. Victoria's river communities have done their part to achieve the 2750 gigalitres and are now feeling the devastating socio-economic impacts of having done so. We in Victoria have done it by the book and at great cost. We cannot afford to give up more water from productive agriculture.

Of course we support healthy rivers. We know that healthy river systems are vital to our communities and are needed to support sustainable agriculture now and in the future. With numerous investigations, audits, reviews, evaluations and inquiries currently underway in relation to various aspects of the plan, into the authority itself and into certain New South Wales government departments, and with the ministerial council set to make key decisions about the recovery of a further 450 gigalitres from the consumptive pool later

this year, we must have all available information. It must be put on the table.

CityLink-Tullamarine Freeway widening

Mr McGUIRE (Broadmeadows) — (13 153) My adjournment request is for the Minister for Roads and Road Safety. The action I seek is for the minister to visit Broadmeadows to provide an update on the benefits of the $1.2 billion CityLink-Tullamarine widening project for the economic development of one of Victoria's key gateways in Melbourne's north and its designated capital, Broadmeadows.

The CityLink-Tullamarine widening project will increase capacity, reduce travel times and improve safety on CityLink and the Tullamarine Freeway. This is part of the blue-chip infrastructure that Melbourne's north offers. Its significance in how we develop this can be seen by having two train lines into the area. We have a spur into the Ford site, which can be harnessed and developed for economic development. We have the ring-road, we have Sydney Road and we have the curfew-free international airport at the back door. This is the critical convergence of blue-chip infrastructure that gives us a fantastic opportunity.

Recently we saw the Prime Minister in western Sydney saying, 'Here's $5 billion and we'll build the airport'. Well, we already have one, so let us leverage that. We have nearby Essendon Airport as well. The timing could not be better. We have the Victorian Planning Authority document that says:

> Greater Broadmeadows will become the powerhouse of Melbourne's north. Catalyst investments and actions will unlock development potential for growth in local employment and for diversified housing.

I was delighted to see this strategy come out after the publication of *Creating Opportunity: Postcodes of Hope*, which I published last year. We are winning the debate to see how we develop, particularly because of the growth that is occurring. One in 20 Australians is expected to live in Melbourne's north within two decades, meaning it will be the population size that Adelaide is now —

Mr Pearson — But much more fun.

Mr McGUIRE — The member for Essendon says, 'But much more fun'. It has a lot more to offer. It virtually has the United Nations in one neighbourhood. It has all of these different assets to try to now get the private sector to engage and see the opportunity in this area, which is within 16 kilometres of the heart of the world's most livable city, with all of these different propositions that we have. To be connected with transport is the critical infrastructure proposition that we need to harness, aggregate and leverage to bring new industries and new jobs. Once this project is complete I want the minister to come out to look at how we take the next steps and particularly get the commonwealth to engage and invest.

Eastern Access Community Health

Ms RYALL (Ringwood) — (13 154) My adjournment request is for the Minister for Health, and the action I seek is that the minister fund the additional dental chairs required by Eastern Access Community Health, more commonly known as EACH. This is to ensure that those who are in need of dental treatment or of making sure that their dental health is well looked after — in particular the vulnerable, children, the elderly and those with chronic diseases — receive adequate and appropriate dental health care.

EACH's Ringwood East dental clinic opened more than 30 years ago, so it has been in place for a significant amount of time, yet it still has only three dental chairs and a waitlist of 1295 people, who wait an average of 33 months in order to access dental treatment. Maroondah has a growing population, which obviously adds further to these waitlist issues. Using the Department of Health and Human Services' own ratios, Eastern Access Community Health has identified that it actually requires 10 dental chairs at its dental clinic. That number is based on the number of Maroondah residents who are healthcare card holders.

In addition, the current building has, after an occupational health and safety audit last year, been found to be not fit for purpose, and that means there is an inadequate number of public dental chairs in a non-compliant building. Given that the chairs are needed to serve the most vulnerable in our community, I would like the minister to fund the additional chairs required and within that context come and visit the dental unit in East Ringwood so that we can make sure that the appropriate number of public dental chairs are available for those who are most certainly in need. I think anybody would agree that waiting 33 months on a waiting list for dental treatment when you are either from a disadvantaged background or in vulnerable circumstances is an extraordinarily long wait.

The Labor Party has been in power for almost 14 of the last 18 years, so I think it is really, really important that the minister take this very, very seriously and look at making sure the appropriate funding is given so that the required number of dental chairs are available to a growing community in Maroondah.

Mr Southwick — Speaker, I draw your attention to the state of the house.

Quorum formed.

Mernda rail extension

Ms GREEN (Yan Yean) — (13 155) I wish to raise a matter for the attention of the Minister for Public Transport, and I am delighted to see that she is here in the chamber. I have been privileged to have her in my community, consulting with my community and hearing from my community about the benefits of the Mernda rail project. I want to pass on to the minister that the Level Crossing Removal Authority (LXRA) has done an outstanding job in engaging, consulting and informing the Mernda, Doreen and South Morang communities about this fantastic project. However, I seek the minister's action on ways to further engage young people in this great project.

I am privileged to chair the community reference group for the project, and I am constantly approached by young people about how excited they are that this rail project is absolutely going like the clappers. They are constantly coming up to me with great ideas about how they want to see the public spaces around this project. I was principal for a day last week at Mernda Central P–12 College. One of the first young people that came up to me said, 'Oh, wow, I've got this great idea: we could have all the spaces around these stations friendly for young people'. He talked about things like a skate park and other things that young people would be interested in, and he is not the only one who has raised that as an issue. I know that young people are particularly enamoured of the job opportunities in this project.

When I visited Whittlesea Secondary College last year and talked to pre-apprenticeship students you just could not wipe the smiles off their faces, so happy were they at the idea of being able to work on such a fantastic project. There are two viewing platforms along the railway line, and they are really going to be a tourist attraction for families and young people to have a look at how the project is going. But also young people can see what it could be like working on this sort of project and working in science, technology, engineering and maths — those sorts of things. They can see firsthand the results when you are trained to do these sorts of things and can work on these great projects.

The LXRA have done a fantastic job, as you know, Speaker, on the Hurstbridge line with the upgrade there, and young people are involved in a public art project. There are a range of ways that young people could be involved. I had an intern who did a project a couple of years ago and studied what young people might want in this great project and their ideas. The thirst is still there. I want to thank the LXRA for engaging young people in naming the crane that is on site. My favourite names are Dwayne, Wayne and Jermayne, but I am sure the minister will have some other ideas.

Ms Asher — On a point of order, Speaker — I have waited, according to the courtesies of this chamber, until the end of the adjournment debate — in relation to adjournment debate responses, I will try and be as brief as I can about this. I raised an adjournment issue in the Parliament with the Minister for Housing, Disability and Ageing on 7 September 2017, and, in short, I now have three responses to this adjournment debate.

Ms Allan — You're lucky; you were overserviced.

Ms Asher — They are different; that is the problem. The first response I have is that the minister actually came into the chamber and answered the issue, and that response was of course recorded by *Hansard*. I then received an email from the Parliament of Victoria, dated Friday, 8 September, and it contained a response to the adjournment issue, which was from an electronic database. I then received a further email, dated Friday, 15 September, which also relates to a database, telling me my adjournment issue had been answered.

There are a number of problems with this. The first problem is I think having three responses to one adjournment issue is ridiculous, and I am obviously seeking that you adjudicate on this. I also feel the *Hansard* record should prevail in terms of the response. One of my concerns is that the database response is significantly different from the response that the minister gave in the Parliament, and an entire paragraph was deleted — it related to some disparaging comments about me and some disparaging comments about the Liberal Party candidate for the seat of Brighton at the next election. I do not think that it is a minister's prerogative to simply remove a paragraph that he may or may not have regretted uttering. My view is the *Hansard* record should prevail.

I turn now to the two emails that I received in relation to the database. The differences between the two emails are not material, but there is a slight difference, which raises the question why a member would be sent two emails and why a member would not simply be sent one email if there is a clean-up job that has been done by a minister or a minister's office, which I completely understand.

So my request of you, Speaker, is to review this. The background to this of course, and you are aware of it, is

the document *Inquiry into Sitting Hours and Operation of the House*, a report of June 2016 which recommended some changes to adjournment debate responses. You were a member of the Standing Orders Committee and you will recall the previous situation where ministers would simply respond to members of Parliament and the clerks would not be aware of any responses. We as a committee agreed that it would be beneficial to have — and the word we used was 'beneficial' — adjournment debate responses accessed by the public and therefore lodged with the Clerk.

What I have is a circumstance where the response — and I am very grateful that the minister responded on the floor of the house; it is rare, and I was grateful — by the minister on the floor of the house was not the response that appears in the public database, and I do not think that is correct. I personally feel that *Hansard* should prevail, and I would request that you look into the way this new standing order is operating in terms of responses to adjournment issues. I respectfully suggest that there should be one response not three, as in my case.

The SPEAKER — I thank the member for Brighton for raising that point of order. As she is probably aware, the database for responses is managed by the Parliament. We will certainly investigate that matter and report back to the house.

Responses

Ms ALLAN (Minister for Public Transport) — The member for Ferntree Gully raised a matter about bus services in the Knox community. I am sure the member for Ferntree Gully will be delighted to know that the Andrews Labor government has a very strong commitment to supporting better bus services right across Victoria. We had a bit of work to do when we came to government. There was a healthy neglect of the bus services under the previous Liberal government, and the lack of investment in bus services was seen right across the state. That might be why the member is now calling for improvements to bus services in the Knox community. He might be a bit embarrassed about his failure over his time in government. I think he might have sat at the cabinet table for a bit of that time too. You would have thought he might have been able to do some of the heavy lifting then and see what he could do to extract some bus services for his community, but sadly he failed.

I am delighted to speak about bus services, because we are really proud of the investments we are making in bus services across the state. We in fact had an election commitment of $100 million to go to improving bus services, and we had seen them roll out in a range of regional centres and suburban areas. I think I might have talked about Carrum during the week in the Parliament, and as my colleagues to the north in areas around Diamond Creek and Epping know, we have made some bus improvements there as well.

I can say that Transport for Victoria is also investigating run time issues on the route 901 bus. It is a bus that travels from Frankston to Melbourne Airport. It travels through parts of Knox and the shopping centre, and the member was concerned about shopping centre connections as well. There is also bus 900, which travels to the Stud Park Shopping Centre in Rowville, and we are looking to see what can be done to improve travel services and adjust the timetable. Of course there is the provision of more services, which I know many communities around the state are keen to see, but it might also be about making some adjustments to existing services. We are always happy to have a look at where we can improve bus services.

At the risk of repeating myself, this does stand in stark contrast to the performance of those opposite when buses were sadly neglected — I was going to say a sadly neglected part of the public transport system under the former government, but there was not much of the public transport system that they loved. There was not much that they did, unfortunately, and buses got the same end of the stick as most of the public transport system.

Mr McGuire interjected.

Ms ALLAN — Yes, that is true; they were very keen to produce tickets to an airport rail link that had not been built, but we are working through these issues, and I can assure the member that buses are a very important part of our public transport program. We are rolling out bus improvements where we can right across the state.

An example of where we are improving public transport services on the rail network is covered of course by the issues that were raised by the member for Yan Yean. What an outstanding advocate she continues to be for the Yan Yean community, and many happy returns to the member for an important occasion on Tuesday of this week. Of course we are talking about the Mernda rail link, a nearly $600 million commitment to extend the rail line from South Morang to Mernda. Why can we extend the rail line from South Morang to Mernda? Because a previous Labor government extended the rail line to South Morang, and so we are building on that. The member is very keen for people in her community, particularly young people, to have the opportunity to get involved in this project. Why would you not want people to get involved in this project? It is

a project that is going to create up to 3000 jobs, and we are seeing those workers out there right now.

As the member mentioned as well, the original proposal was to have two stations along this section of track. As a result of the feedback, the advocacy and the work of the member for Yan Yean we are getting three stations as part of this rail extension. But also, speaking of buses, there will be better bus connections and there are walking and cycling paths, so it is truly an integrated transport approach that we are taking in Mernda. An interesting little fact is that the last time a train line was extended by more than two stations was back in 1930. I know the member for Essendon is a keen historian; 1930 was the last time a train line was extended by more than two stations, and that was when the East Malvern line was extended to Glen Waverley. There you go. The member for Yan Yean is making history all over the place out there in Mernda.

We are certainly working very hard on this project. There is a jobs hub that is being established as part of the Mernda rail extension. Another interesting fact is that the jobs hub was built by an Indigenous construction company, Barpa. They help people from a range of different backgrounds find employment. That is one of the great aspects of our transport agenda. We are making sure that not only are we investing in transport, building rail links and improving bus services, we are making sure that where we can do more, we do, and that is by helping people from a range of different backgrounds get their start and get their jobs on our transport infrastructure program.

The Mernda rail link is another terrific example of that. Already it has been identified that there are 50-plus roles for apprentices, cadets and trainees on this project. These are young people who are going to start their apprenticeships — start their traineeships — on this important piece of transport infrastructure.

The member was also keen to know more about how we can work with local young people on this project. I can tell her — and I am sure the member may already know this because she is so active out there in her schools — that schoolchildren have been invited to be part of the archaeological dig site that is there. She mentioned the naming competition for the two cranes. We all love a naming competition for our transport infrastructure, and the Mernda rail extension is no exception. We are going to continue to work with the local community, and particularly young people, on how we can utilise the public space around this project. Of course we want young people to be able to walk and ride their bike to the train station because we know it is going to connect them to education and recreational opportunities forevermore, because this is going to be a really important part of the metropolitan rail network.

I am really pleased to be here on the spot to respond to the matter raised by the member for Yan Yean and to talk further about our important investment in transport infrastructure. Need I say it? But I will: it is just a stark contrast to the shabby performance of those opposite. They did not invest in the metropolitan network, they did not invest in the regional network, they wanted to privatise V/Line, they tried to sack 100 people and they cut the V/Line budget by $120 million. These are the sorts of things we have had to work really hard to rebuild and reinvest in.

While those opposites have got a three-week break to reflect on how poor they were in government, we also see they have got a few issues of their own they have got to work through over the next few weeks before we come back into Parliament. But what we can be assured of is that we will continue to work very, very hard every single day and every single week in making sure we do not waste a moment in government — whether it is investing in transport infrastructure, schools, hospitals or communities right across the state — because we understand the importance that when in government you have got to work hard to deliver for the Victorian community.

The remaining eight matters were raised for a range of ministers, and they will be referred to those ministers for their response.

The SPEAKER — The house is now adjourned.

House adjourned 5.47 p.m. until Tuesday, 17 October.