PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 23 March 2017

(Extract from book 4)

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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 10 November 2016)

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
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Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
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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, Ms Graley, Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Ms Spence, Ms Thomson and Ms Ward.

Leader of the Parliamentary Labor Party and Premier:

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. J. A. MERLINO

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

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals:

The Hon. P. L. WALSH

Deputy Leader of The Nationals:

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn [2]	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent [3]	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio [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	Morwell	Nats
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David [5]	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	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard [6]	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 [7]	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] Elected 14 March 2015
[6] Elected 31 October 2015
[7] 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 — Mr Clark, Mr Hibbins and Ms Ryall.

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, Mr Merlino, Mr M. O'Brien, Mr Pakula, Ms Richardson and Mr Walsh. (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge.

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

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

Environment, Natural Resources and Regional Development Committee — (*Assembly*): 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*): Mr Finn.

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

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

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

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

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

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Thursday, 23 March 2017

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

LONDON ATTACK

The SPEAKER — Order! I am sure all members were saddened by the terror attack around the Westminster parliamentary precinct in London. We offer our condolences to the victims of this terrible attack, to their families and to the British people. Still reeling from the pain of the Bourke Street tragedy just two months ago, we have some understanding of the pain and anguish caused by such an attack. The Victorian Parliament stands in solidarity with the United Kingdom Parliament, the home of our Westminster system of parliamentary democracy. The values and traditions that we hold dear will always endure in the face of such attacks.

While we are not aware of any specific threat, I am advised by the Department of Parliamentary Services that there will be an additional security presence at the Victorian Parliament in light of this attack in London. I wish to reassure our community that all measures necessary are being taken to protect the safety of our community in and around the parliamentary precinct.

AUDIT COMMITTEE

Review of members second residence allowance

The SPEAKER — Order! I also wish to advise the house that I have been consulted by the President of the Legislative Council following a motion in the other place to produce the Audit Committee report referred to in the letter I read to the house on Tuesday in relation to the use of the second residence allowance by two members. The President advises that, following a motion seeking the report, he will seek leave to table that report in the Legislative Council this morning. When that report is tabled, copies will be made available in the Assembly's papers office.

Mr Clark — On a point of order, Speaker, further to your announcement, I would submit that it is appropriate for you to seek leave to table that report in this house and not simply indicate that the report will be available. This is of course a matter that relates to members of this house — to our former Speaker and Deputy Speaker — and I think, consistent with the privilege of this house, that report should be tabled in this house. Certainly on this side of the house we are willing to give leave for that to occur and, I presume, those on the government side are too.

I think it would be inappropriate for a report investigating two members of this house to be tabled in the other house but not tabled in this house, so I would submit that you do follow that course and indicate that you will seek leave to make that report available. We had previous assertions about cognisance and exclusive cognisance in relation to matters of the abuse of expense allowances by members of this house. If this house is to have any cognisance over those matters — and we on this side believe there should be cognisance, although not exclusive cognisance — then it is incumbent upon this house to receive that report as a tabled document, I submit accordingly.

The SPEAKER — Order! I have sought advice from the clerks on this matter. I am advised there is no legislative process for the report to be tabled, and it is not the practice of this house that the Speaker tables documents. There is no point of order.

Mr Clark — I seek leave that the report of the Audit Committee on the members for Melton and Tarneit be tabled.

Leave refused.

Ms Allan — If I may, by way of point of order, Speaker, can I seek the opportunity to have a conversation — —

An honourable member — Is leave granted?

The SPEAKER — Order!

Ms Allan — If I can just speak on a point of order, in moving on this issue I would like to have the opportunity to talk to the manager of opposition business and indeed yourself, Speaker, to discuss the matter that was raised in the previous point of order by the manager of opposition business. I absolutely understand why he was seeking that, and I would like an opportunity to seek some advice before the government makes a response that is hasty. We are actually wanting to do this properly, which is, I think, an approach the manager of opposition business would agree with.

Honourable members interjecting.

The SPEAKER — Order! Members on my left! It is very early in the day for me to be asking members to leave the chamber. I ask members to cease shouting across the chamber.

Ms Allan — Speaker, I was merely seeking to indicate that, given the significance and seriousness of

this matter, I am keen to get some advice to make sure that this is a report that is — —

Mr Burgess interjected.

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

Ms Allan — I appreciate empty vessels make the most noise, Speaker. I am wanting to merely make the point that we are wanting to deal with this matter. This is a significant matter before the Parliament. I am not indicating that the government is necessarily opposed to what the manager of opposition business is seeking; I am sincerely seeking advice on this matter so we can — —

Honourable members interjecting.

The SPEAKER — Order! Members on my left! The member for Hawthorn!

Ms Allan — We will come back to the house at the earliest opportunity, after having spoken with the manager — —

Honourable members interjecting.

The SPEAKER — Order! This is an important matter. I ask members to respect other members in the house when they are contributing to this discussion.

Ms Allan — Speaker, the point I am seeking to make is that, given this is not a report that is yours, it is not a report that — —

Honourable members interjecting.

Ms Allan — No, it is the — —

The SPEAKER — Order! I warn members they will be removed from the chamber if they continue to shout across the chamber.

Ms Allan — As has been made clear on a number of occasions over the course of this week the Audit Committee, as I understood it, for this matter was chaired by the President of the Legislative Council. Therefore this is a report that is clearly not the government's report. As you have indicated to the house, you need to seek some advice, and I am merely indicating to the manager of opposition business that we are not necessarily opposed to this report being tabled in the house. I am merely seeking a small period of time to seek advice from the clerks. I am merely seeking time.

Honourable members interjecting.

Ms Allan — If I could ask the manager of opposition business for some time to seek the advice of the clerks so we can ensure that this is done in a way that is appropriate, establishes appropriate precedents —

Honourable members interjecting.

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

Ms Allan — and gets to the point that I think the manager of opposition business wants to, which is to make sure that this is done properly. We just need a short period of time to consider that matter.

Mr Clark — On the point of order, Speaker, the Leader of the House has indicated that leave is refused. That is very disappointing. I think it would have been a very straightforward matter for this to have been dealt with. The Leader of the House nonetheless indicates that she is willing to discuss it, and of course we on this side will discuss it, but I do believe that it is a straightforward matter and that the motion that I sought to move by leave provided the very form of the house that is necessary to allow this to proceed. It is something that, I would submit, the Leader of the House, the government, should have been prepared to facilitate proactively rather than need to have it come from this side of the house, but nonetheless given that leave is refused, we will have discussions with the government, and hopefully this report can be made available and tabled in this house as soon as possible.

Mrs Fyffe — On the point of order, Speaker, we are all very much aware that you absented yourself from the meetings of the Audit Committee, which was the right thing to do, but you still are the Chair of the Audit Committee, and as such you have the right to be responsible for that report and table it in this house. If you require leave of this house, then this side is very supportive. I am sorry that the government side seems to see it differently.

The SPEAKER — Order! I thank the honourable member for her contribution on the point of order. The point of order that was originally raised by the member for Box Hill, the manager of opposition business, was ruled on — that I would not be tabling the report; it is a matter for the house. The manager of opposition business then sought leave that it be tabled. Leave has been refused. I think the manager of opposition business was just making a further comment before we move on to further business.

Mr Walsh — On the point of order, Speaker, I did not actually hear the manager of government business

say she refused leave. She said she wanted to talk about — —

Ms Allan — I did. I refused leave.

Mr Walsh — You have refused leave. That is fine.

Honourable members interjecting.

Business interrupted.

SUSPENSION OF MEMBERS

Minister for Housing, Disability and Ageing, and member for Ripon

The SPEAKER — Order! The Minister for Housing, Disability and Ageing and the member for Ripon will leave the chamber for the period of 1 hour.

Minister for Housing, Disability and Ageing, and honourable member for Ripon withdrew from chamber.

AUDIT COMMITTEE

Review of members second residence allowance

Business resumed.

The SPEAKER — Order! Members will not shout across the chamber while the Chair is on his feet.

Mr Burgess — On a point of order, Speaker, we did not hear the Leader of the House refuse leave. I would ask you to make her make that clear.

The SPEAKER — Order! Thank you. Leave is not granted. Just for clarification, I did hear the manager of opposition business repeat that he thought leave had been refused.

Mr M. O'Brien — On a further point of order, Speaker, my understanding is that this is the Audit Committee of the Parliament, not of the Legislative Council. This is a report of the Audit Committee of the Parliament, dealing with two members of this chamber. Frankly, it is an embarrassment to this chamber that we have not tabled a report of the Audit Committee of the Parliament that deals with two members of this chamber and that the other place has greater cognisance of a report into the conduct of two members of this Assembly chamber than we do ourselves. This is an embarrassment to this chamber, and I would ask you, Speaker, to take every step that you can take to ensure that the chamber of which you are the Speaker is no longer sidelined compared to the people in the other place over a report dealing with the conduct of two of our own members.

The SPEAKER — Order! I ruled on that point of order earlier. There is no point of order.

Ms McLeish — On a point of order, Speaker, I seek clarification about a matter which happened yesterday. The member for Oakleigh was in the chair at the time and he acknowledged people in the gallery that are constituents of the member for Bentleigh. This acknowledgment was made after the member for Bentleigh went up and spoke to the member for Oakleigh. who was Acting Speaker at the time. The member for Oakleigh then acknowledged people in the gallery. I submit to you that if that is allowable, on any given occasion when any member has a constituent in the gallery we will be able to request that the Acting Speaker acknowledge our constituents.

The SPEAKER — Order! It is inappropriate for members in the chair to recognise people in the gallery, unless of course they are an official guest or someone who is a former member. I will review *Hansard* and come back to the house on that matter.

Mr Watt — On a further point of order, Speaker, I raise a matter with regard to an incident yesterday when I was ejected from the chamber. Before I was ejected from the chamber, you stated:

> I understand that when the Acting Chair was on her feet the member for Burwood walked around the chamber, defying the Acting Chair's instructions.

I note that Hansard did not actually pick up the conversation that was had with the Acting Speaker at the time. There is another bit in *Hansard* where she says:

> The member for Burwood should return to his spot or leave the chamber.

The Acting Speaker told me not to leave the chamber, and I did not leave the chamber. But you have said that I was ejected from the chamber because I defied the Acting Chair's ruling, when in actual fact she told me not to leave the chamber — and I did not.

Speaker, I am seeking clarification as to whether you have had an opportunity to check why I was ejected from the chamber, because I do not believe that your interpretation was what actually happened. I have some concerns about the information that may have been relayed to you by the Acting Speaker at the time and its accuracy.

The SPEAKER — Order! I will review *Hansard* and have further discussions with members in the

chamber and the clerks and come back to the house with an answer to that point of order.

Mr Watt — On a further point of order, Speaker, I would raise this during the allotted time but you are generally not in the chair for the adjournment debate. Last night during the adjournment debate I raised a point of order about the member for Eltham's matter. The member for Eltham quite clearly asked for advice. She asked the Minister for Planning:

> … to advise me on how the new *Plan Melbourne* residential zone changes will help protect the suburbs that comprise my seat of Eltham.

I raised a point of order yesterday, which was very clear, and that was that the adjournment debate should not become a second question time. The distinction being that question time is an opportunity to seek information whilst conversely the adjournment debate is an opportunity to give information on which members require attention. On reflection, reading the member for Eltham's adjournment matter, I do not see that she gave any information, but she certainly was seeking information.

Speaker, if this type of adjournment is allowable under your reign, then I have great concerns about the way we are going to go with adjournment debates. I particularly have a concern about the rulings that were made by the Deputy Speaker at the time. Quite frankly, I have concerns about many of the rulings by acting speakers and the Deputy Speaker. I ask you to have a look at that particular ruling because I do not believe it is consistent with previous rulings from the Chair or the standing orders. If that is the way we are going to head, we are going to completely change adjournment debates in this house.

The SPEAKER — Order! I will review *Hansard* and report back to the member on that particular matter.

DOCUMENTS

Tabled by Clerk:

Commission for Children and Young People — The same four walls: inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system — Ordered to be published

Essential Services Commission — The Network Value of Distributed Generation: Distributed Generation Inquiry Stage 2 Final Report

Financial Management Act 1994 — Report from the Minister for Agriculture that she had received the Report 2015–16 of the Northern Victoria Fresh Tomato Industry Development Committee

Statutory Rule under the *Pipelines Act 2005* — SR 9

Victorian Environmental Assessment Council — Conservation Values of State Forests Assessment Report

Victorian Environmental Assessment Council Act 2001 — Request and statement under s 16

AUDIT COMMITTEE

Review of members second residence allowance

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

> That the *Parliament of Victoria: Review of Members Second Residence Allowance: Phase 1* be tabled.

In just making a few very brief comments on that, I made it clear in my earlier comments in this chamber that I needed to seek advice from the clerks as to what effect it gave to the report of tabling it in this place. I have now sought that advice from the clerks, and I am now doing as I indicated to the house earlier, that is, at the earliest opportunity, we seek leave to table this report.

I would hope those opposite would now show some recognition of the fact that it was not a report of the government's to table, that it was not a report of the opposition's to table, and indeed that it was not a report of this house to table. We just needed to check with the clerks and get appropriate-level advice before we moved this motion. I have now done that. As I said, I appreciate the advice of the clerks.

I anticipate that the manager of opposition business may want to say a few words. I understand the report is in the hands of many members of this place now that it has been made available from the papers office. I make it very clear though that this motion is not for a debate on the report itself because we have only just received this report and clearly there needs to be time to read the report properly and thoroughly, and we do not want the debate on this motion to become a debate on the report itself.

Mr CLARK (Box Hill) — The opposition supports this motion. It is of course the same motion that I sought leave to move a few moments ago. The Leader of the House is of course correct that it is not a government report. I am glad that she has now had the opportunity to get on top of the issues and come to the conclusion that the motion that the opposition sought to move a few moments ago was fully in order and that this is indeed the appropriate process for this report to be made available to the house.

It is of course important that this report be tabled in this house because it is a report that relates to the conduct of

two members of this house. It is a report that goes to the heart of the standards of, the reputation of and the regard with which this house is held in the community. These are very serious matters indeed that the report deals with. The report, as the Leader of the Government has indicated, has become available to members through its being tabled in the other place ahead of its being tabled in this place, and it will require detailed examination.

However, now that this report is being tabled, I believe the way will be clear, and that is why I am supporting this motion and why the opposition is supporting this motion. This now provides the first step at which this house can take proper action to deal with the conduct and the apparent abuse of office, misuse of taxpayers funds and misuse of expense allowance that appears to have been shamelessly carried out by the members for Tarneit and Melton.

This is an important step, but it is only a first step. What needs to follow from this is for the house to put in place arrangements to actually deal with those members, to hold those members to account and to find out for ourselves exactly what went wrong and work out for ourselves what needs to be done to make sure this sort of abuse of office does not happen again, to make sure that action is taken to stop the culture of rorting that has become pervasive, clearly, among the Labor members of this house and to reassert and reuphold the standards and integrity of this house that, regrettably, have been so much debased by those two members at great expense to the taxpayer and a great adverse reflection on the reputation of all of us.

So as I say, we welcome the fact that this report is being tabled, but this should only be a first step. There is a lot more to be done to hold those rorting members to account, to make sure that they bear appropriate consequences for their actions and to make sure that this house reasserts the standards which all of us should uphold and which Victorians are entitled to expect from us.

Motion agreed to.

Tabled.

BUSINESS OF THE HOUSE

Adjournment

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

> That the house, at its rising, adjourns until Tuesday, 2 May 2017.

I can see the manager of opposition business agitating in his seat, so I expect we will get a response from him shortly.

Mr CLARK (Box Hill) — The Leader of the House is absolutely correct. The opposition does oppose the adjournment of this Parliament for over a month. We believe that there are important matters that need to be dealt with, including one which I referred to just a few seconds ago in relation to the tabling of the report by PricewaterhouseCoopers from the Audit Committee of the Parliament into the conduct of the members for Melton and Tarneit. This is a matter that this house needs to deal with. We should not be adjourning until we have dealt with it properly.

There is a motion on the notice paper to establish a select committee to inquire into this matter. This is not something that should be swept under the carpet and fobbed off; we cannot pretend nothing is happening and that it is business as usual while this matter remains outstanding. This house should continue to sit until the matter has been dealt with. This side of the house is happy to continue into the evening, to continue tomorrow, to continue next week or to continue to whenever is necessary in order to deal with this matter.

The point has been made over and over again, but it is an absolute outrage that both the Speaker of this house and the former Deputy Speaker of this house — —

The SPEAKER — Order! The former Speaker.

Mr CLARK — Certainly, Speaker, I am referring in the context of the former Speaker and the former Deputy Speaker. It is an absolute outrage that those two officers, who were charged with upholding the standards of this house, now appear manifestly to have broken those standards, to have abused their office and to have abused the position of trust in which they were placed to gain substantial financial benefits for themselves. One of them has not even had the decency to apologise for his conduct or to repay the money that he has rorted. This is not just something that goes to the conduct of one ordinary member of this house; it goes to the entire standards of how this house conducts itself.

I made the point before: these are not isolated incidents. We have had the ministerial car chauffeuring the dogs rort and we have had the red shirts rorts; in fact we seem to have a culture of rorting that is becoming endemic right through the Labor membership of this Parliament, and it has to stop. The public are absolutely sick and tired of this abuse of office by Labor MPs. Then there is the attempted cover-up by the Premier and his ministers, who are refusing to face up to the

consequences of their colleagues' actions and are just trying to carry on as if nothing much has happened.

The time for action is now. We had the Premier saying before that he wants to see the audit report. Well, now we have the audit report. We ought to be responding to the audit report. We should be establishing a select committee. We should be dealing with these matters, and the house should not be simply adjourned for a month, carrying on as though nothing has happened, while this abuse continues to fester and there is no resolution. We on this side of the house strongly believe the house should not be adjourning for a month in these circumstances. We should be continuing to sit at least until this matter is dealt with.

If the government wants to agree with that, wants to bring on the motion of the Leader of the Opposition to establish a select committee or wants to come to this house with any other reasonable alternative, let us do it today. Let us do it this afternoon. Let us get these matters dealt with. Let us get a proper process underway to deal with these rorting members to uphold the dignity of the house, but we should not be simply shutting down the house, gagging debate and preventing further scrutiny and accountability while the government scurries off for a month and tries to hide from its responsibilities.

Mr PEARSON (Essendon) — I rise to support the motion from the Leader of the House. As many opposition members have stated, these are very serious matters. This report has only just come before the house, and I think all members should be afforded the opportunity to read the report, consider it and digest its implications. The reality is that we have got a great body of work before us today, but also many members have got a great deal of work before them in their electorates both tomorrow and over the course of the coming weeks. We should be able to get on with that work in continuing to deliver good government to this state and not be distracted by these sorts of stunts and antics that have come to characterise the opposition. For those reasons, I support the motion of the Leader of the House.

Mr WALSH (Murray Plains) — I rise to support the manager of opposition business in opposing the adjournment of the house. In starting, I make an observation about the member for Essendon's contribution on how busy, allegedly, those on that side of the house are in their electorates. We are elected to the Victorian Parliament to come to this place to govern this state and uphold the standards of this Parliament for the people of Victoria. Unfortunately those on the other side of the house do not believe that is their role in this place.

It is absolutely important that we actually debate the motion proposed by the Leader of the Opposition to set up a select committee. Yes, we have just received this report, but that select committee should be formed and starting to do its work while we are in adjournment over the next few weeks. If that select committee is not established now, that work will not be done and the government will be hiding for the next month. This is all about obfuscating their responsibility as a government to uphold the standards of good governance in this state.

I would urge government members to vote down the motion moved by the Leader of the House to adjourn the house. If they want to have any credibility at all in their electorates with their constituents and if they want to be able to walk down the main streets of their electorates with their heads up, they need to make sure that this house actually does its job and debates the motion on the notice paper by the Leader of the Opposition to set up a select committee to inquire into the rorting by the member for Melton and the member for Tarneit.

The first report we have from PricewaterhouseCoopers just confirms what everyone in this state knows: those two members of Parliament have rorted the system here. They have brought us all into disrepute by doing that, because the general public does not differentiate between politicians. Those two members, the two officials of this house, the former Speaker and the former Deputy Speaker, are the two people that are empowered by this house to uphold the standards of this house and set the standards for all MPs and for the people of Victoria. They have let us down severely. They have brought us all down in the eyes of the public.

It is absolutely critical that that select committee is set up and that it does its work to investigate these issues. We should not be adjourning the house. We should be doing what we are elected to do, and that is govern for all Victorians and make sure we uphold the standards that are appropriate in this place. I would urge all members to vote against the motion to adjourn for a month moved by the Leader of the House, because it is just far too long and there is important work to do. I would urge people to vote accordingly.

Mr HIBBINS (Prahran) — I also speak on the adjournment motion. I am sympathetic to the cause of the opposition not to support the adjournment of the house. We have now been presented with the Audit Committee's report on the members for Melton and

Tarneit. Having a cursory glance over it, it is very similar to the letter that was read out here by you, Speaker, on Tuesday.

The Greens have indicated that we feel the Privileges Committee would be the best committee to address these matters. In usual circumstances there would be a week off from Parliament and then we would resume, but in this instance it is the last sitting week for around four weeks. I believe we are coming back on 2 May. That is a very long time. I think it would be inconceivable, really, to allow this issue to go on unaddressed for another month.

The Greens are keen to see a resolution from the house regarding the members for Tarneit and Melton. Our preference is for the matter to go to the Privileges Committee, but we have not heard of any indication that that is going to be the case. Our feeling is that there needs to be time to address or to digest the Audit Committee's report and for the government to form a view. The Greens are more than happy to come back tomorrow or another day to address these matters because it would be far too long to simply wait till 2 May for this house to address these matters.

Mr M. O'BRIEN (Malvern) — I rise to object to the motion put by the Leader of the House for two reasons. First of all, in relation to the rorts saga, we do need to do our job, and our job is to uphold the standards of this house and to do what the people of Victoria expect us to do — that is, when something is found to have been rotten amongst our own number we need to deal with it. We should not go on holidays for a month. We should not go slinking back to our electorates for a month. We need to deal with a couple of rotten apples, and we need to do it now.

To even look at what has been tabled this morning very recently, we see the reason the member for Melton was claiming he had to live in a caravan, which was:

> The member stated that the accommodation in St Kilda (second residence at the time) was not spacious enough.

Only a Labor MP could say that a residence in St Kilda is not spacious enough so he has to move into a caravan in Ocean Grove. This beggars belief. It is literally unbelievable. No-one believes it. No-one in this house believes it. PricewaterhouseCoopers did not believe it. The Audit Committee does not believe it and, more importantly, Victorians do not believe it, because they should not believe it. This has been an absolutely disgraceful rort of this Parliament and the Victorian people who pay their taxes to fund us, and we owe it to them to get to the bottom of this now, not in a month's time. We owe it to them to do our job, and our job is to set and uphold the standards for the people we are sworn to represent.

I also object to the motion of the Leader of the House for another reason, a separate reason entirely, and that relates to the timing of the budget. What we see is an absolute act of cowardice of the worst type by this government and in particular by the Treasurer. From time immemorial the process has been that the government will bring down its budget on the Tuesday, the Parliament sits on the Wednesday and the opposition gives its response in the Parliament on the Thursday. That is the democratic process that says the government gets to bring down its budget and then the opposition, two days later, has its response in this place. But no, the government are now changing that because they are cowards. They are cowards seeking to deny the opposition a voice.

Under this proposed timetable the government will have its day in the sun on the Tuesday and then the Parliament shuts up shop. We shut up shop for a week, denying the opposition, denying the member for Shepparton and denying the Greens the opportunity to respond to the budget in that budget week. No, the government say the only chance we get to respond to their budget in Parliament is a week later, which just coincidentally happens to be federal budget day. What a pack of cowards they are. What a pack of cowards seeking to deny the opposition, the Greens and the Independent members the chance to respond to the budget in a timely way in this place.

This is a disgraceful development. It shows the Labor Party has no respect for this chamber, has no respect for the democratic process and has no respect for any of the other parties in this place. I would urge members, including the member for Shepparton, to think about this issue not just in terms of the rorting but in terms of the denial of democracy which this government is now seeking to impose through its numbers in this chamber to shut up every other member of this house in budget week.

We will not get the opportunity to respond to this budget in budget week. We are being denied that opportunity. We have to wait for a week — on federal budget day so that our responses are lost. That is the clear — and I say evil — political intent of this bunch of political cowards that constitutes the current government in Victoria. It is a disgraceful development. It should be resisted. It should be opposed, and I oppose this motion.

Ms SHEED (Shepparton) (*By leave*) — I rise just to say a few words. I oppose the motion. I am of the view

that what should happen in this place is that this report should now be referred to the Privileges Committee. I say that with not a lot of knowledge about this Parliament, but it does seem to me that that was the process followed in the last Parliament when Geoff Shaw was in a situation of similar difficulty. It is the appropriate committee, it would seem, because it is a committee of this house.

The breaches that have taken place are very serious. They involve our former Speaker and our former Deputy Speaker, and I think it has been a blow to everyone in this place to have members of such high standing in the Parliament placed in the situation that they have been and then to have the Parliament and all us members placed in the situation that we find ourselves in.

I try to take the view when I deal with these matters to follow what would be the proper processes of the Parliament. It seems to me that the proper process today is for the government to refer this matter to the Privileges Committee and that the Privileges Committee should meet quickly and during the course of the next few weeks so that when Parliament does return, whenever that is, the matter can be dealt with in the usual way, in the proper way and in the way that it has been dealt with in previous parliaments.

House divided on motion:

Ayes, 45

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

Noes, 40

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

Motion agreed to.

MEMBERS STATEMENTS

Economy

Mr MORRIS (Mornington) — Just six days ago the Victorian Treasurer issued yet another of his self-serving and selective media releases that we have come to know only too well. The release was issued following extremely disappointing labour force figures from the Australian Bureau of Statistics. The Treasurer's hyperbole created the totally false impression that Victoria was in the midst of an economic boom. The fact is nothing could be further from the truth, and that is borne out by the very detail of the figures the Treasurer was seeking to spin.

The fact is last month Victoria's unemployment rate soared to 6.1 per cent. We are now almost a full percentage point behind our New South Wales cousins, who lead the pack with a rate of only 5.2 per cent. Victoria now has a higher unemployment rate than Western Australia and New South Wales and is only marginally ahead of Queensland, where yet another Labor government has seen unemployment jump by 1.2 per cent in just 12 months. We even have a higher unemployment rate than Tasmania. That is hardly surprising as that state is set to benefit from this government's neglect of the forest industry.

If Victoria enjoyed the economic success of New South Wales, almost 30 000 more Victorians would now have a job, but they do not on this government's watch. The reality is that since December 2014, 266 000 Victorians have joined the workforce. Of those extra members, not much more than half, some 61 per cent, now have some form of employment. Almost 40 per cent of new entrants to the labour force since December 2014 are not working, compared with New South Wales where three-quarters are working. The Treasurer may be a genius at spin, but as Treasurer he is a total failure.

Bellarine Agricultural Show

Ms NEVILLE (Minister for Police) — On the recent Labour Day weekend I once again had the pleasure of opening the Bellarine Agricultural Show. The show is a much-loved event that really does highlight the important role agriculture has and will continue to play on the peninsula. While there are historic displays of machinery and farming practices of days gone by, ever-growing industries like viticulture and organic farming are also highlighted. My congratulations go to all those involved, including the organising committee led by show stalwarts Janet McDonald, Graeme Brown and Kerry and Rick Peacock.

Barwon Heads Festival of the Sea

Ms NEVILLE — On another matter, last Sunday I had the pleasure of attending the annual Barwon Heads Festival of the Sea and the opportunity to hand out the awards for the annual duck race. The festival is a great community event that is about highlighting the importance of our local environment, protecting our beautiful sea and celebrating life by the sea. It was a beautiful day, and this year we were pleased to provide a Creative Victoria grant to hold the art show with some great art on display from right across the community. I want to congratulate the festival president, Suzanne Brown, her team and all the volunteers for their efforts in holding another great festival.

Clifton Springs jetty

Ms NEVILLE — On another matter, I was pleased recently to open the new Clifton Springs jetty, constructed thanks to a grant of $250 000 from the Andrews government Target One Million plan. The jetty is fully accessible and has a module design, allowing it to be easily extended in the future. It fulfils a 2014 election commitment. I want to thank John Williams in particular.

Knox crime rate

Mr WAKELING (Ferntree Gully) — Crime in the City of Knox has grown significantly under the watch of this government. We have seen crime rise in Ferntree Gully by 7.8 per cent; in Wantirna by 12.8 per cent; in Wantirna South by 18.4 per cent; in Boronia by 32.6 per cent; and in Knoxfield by a massive 42.6 per cent. It is clear that this government needs to do more, and we need more police on the beat within the City of Knox.

Regency Park Primary School

Mr WAKELING — I would like to take this opportunity to congratulate Regency Park Primary School on their recent 40th birthday celebrations. This is a great school operating within the Wantirna community and has a student population approaching 500.

Ferntree Gully electorate cricket clubs

Mr WAKELING — I was pleased on the weekend to watch both Johnson Park Cricket Club beat Lysterfield in the Ferntree Gully and District Cricket Association DeCoite Shield and Wantirna South Cricket Club win the Lindsay Trollope Shield in the first division of the Ringwood and District Cricket Association. Congratulations to all members and all of the supporters at those two great clubs in the Ferntree Gully electorate.

Knox Historical Society

Mr WAKELING — Congratulations to the Knox Historical Society for their Family Fun Day at Ambleside Park Museum, which I was pleased to attend on Sunday. This is a great community organisation that is well loved by the local community. I congratulate all involved.

Mountain Gate Primary School

Mr WAKELING — Finally, congratulations to all the kids at Mountain Gate Primary School who won the award for the most original banner in the Knox Festival banner competition. Well done to the Gators.

Melbourne Polytechnic Greensborough campus

Ms WARD (Eltham) — Congratulations to the Andrews government, Melbourne Polytechnic and my local community on the reopening of Greensborough TAFE campus, which we celebrated at Sunday's community open day. This TAFE campus was shamefully closed under the watch of the previous government, an outrageous decision which has now been reversed by this government. This campus is already, only weeks after opening, a vibrant community space, with so many offerings and opportunities. The courses new students can choose from at the Greensborough campus include business administration, health services, accounting, business education and bookkeeping, pathology collection and more, with courses taking enrolments for later in the year, including forestry and horticulture.

Melbourne Polytechnic has done a terrific job of not only refurbishing the campus but also in bringing in new community partners to the campus, including the Banyule Nillumbik Local Learning and Employment Network, the Diamond Valley Learning Centre (DVLC), the Melbourne Innovation Centre and the

Australian Centre for Career Education. These are important partnerships, which not only show how much Melbourne Polytechnic values our broader community but which also offer extensive opportunities at the campus for young people, women returning to work and people who need retraining.

The DVLC is one such important partnership. Because of DVLC, senior Victorian certificate of applied learning (VCAL) students have been able to relocate to Greensborough TAFE. This means their waiting list of over 20 kids to get in through their VCAL course — very vulnerable kids, might I say — no longer have to wait.

This story is a great example of what a Labor government does. We help create opportunities. We open doors, not shut them. I want to thank Melbourne Polytechnic and their board for their work in getting this much-needed TAFE campus up and running again. I thank all of the partners of Melbourne Polytechnic on the campus. I also thank my terrific community consultative working group, John Fecondo, Nancy Harris, John Collins and Howard Kelly for their hard work, dedication and determination to give TAFE back to the community. I especially thank a member for Northern Victoria Region in the other place, the Honourable Steve Herbert, for all his terrific work.

Myrtleford Speedway

Mr McCURDY (Ovens Valley) — I was absolutely delighted to reopen the Myrtleford Speedway on Saturday. The track had been closed for more than 13 years, so it was a grand day. Congratulations to David Hogg from the speedway club and all the hard work and commitment that was involved in getting the club operational again. The club race day on the weekend was a great success and just one of many to come in the club's exciting future.

Black Dog Ride

Mr McCURDY — I was very proud to ride in and support the Black Dog Ride from Wangaratta to Myrtleford on Sunday, raising awareness of depression — the black dog — and suicide prevention. The ride left Wangaratta and travelled 160 kilometres through Whorouly, Gapsted, Beechworth, Stanley and Dederang, arriving in Myrtleford for lunch provided by the Lions Club. More than 350 riders took part, with 150 pillion passengers involved as well. Well done to the new Wangaratta ride director, Richard Brown, who kept us all safe, and to those who work so hard to spread the black dog message in order to start the conversation about depression.

Depression is a much bigger issue than we would like to admit. It has been just over a year since the loss of a great mate of our family to suicide. Tears still fill my eyes when I think back to this great bloke, who joined our family on many motorbike safaris. Depression is all around us. Let us keep an eye out for our mates.

International Women's Day

Mr McCURDY — There were many events held throughout the Ovens Valley electorate to mark International Women's Day. I attended the Women's Health Goulburn North East breakfast at the Wangaratta Turf Club in which Dr Leslie Cannold was the guest speaker. She spoke passionately about women's equality and also about how the way fathers treat their daughters can set the scene for the next generation, an important message for all of us.

Bonbeach Life Saving Club

Ms KILKENNY (Carrum) — Last weekend I joined with hundreds of other swimmers to take part in Bonbeach Life Saving Club's annual open water swim. The conditions were perfect at Bonbeach, one of Melbourne's most beautiful beaches. Special thanks to Bianca Thomas, my very own support person for the whole swim. It was most reassuring to have Bianca on the board beside me the whole way. Congratulations to club president Lloyd Thomas, vice-president Campbell Jordan, David Wilson, Dawn Walterfang for her incredible work with the nippers, Marg Foley, Russell Darbyshire, Jackie Christ, Dongmei Zhu and all the other volunteers, parents and competitors who made the day such a great success and who work so hard for this wonderful community club.

I would also like to acknowledge the achievements of three young club members who recently competed at Life Saving Victoria's junior state championships at Warrnambool. Congratulations to Ruth Littler and Zara Brady, who took out gold in 10/11 rescue and resuscitation, and Josh Granger, who took out silver in the under-10 flags. What makes this result even more extraordinary is that Bonbeach Life Saving Club is one of Bayside's smallest. Bonbeach's 24 nippers were up against bigger, stronger clubs. It goes to show just how important it is to support our kids and believe in them.

Bonbeach Life Saving Club is a great example of believing in and supporting our young people, and I commend it for the very valuable role it plays in our community, not only by keeping our community safe but by making our community a much more inclusive and caring one.

Crib Point Community Garden

Mr BURGESS (Hastings) — Congratulations to Crib Point community garden on its first birthday party.

Energy prices

Mr BURGESS — On 2 March I was pleased to visit the electorate of the member for Gippsland East to discuss rising energy prices that are crippling local businesses in the area due to the closure of the Hazelwood power station. I would like to thank the member for the opportunity to do so.

Under this Premier, electricity and gas prices continue to run out of control. The visit occurred in the wake of Patties Foods, a large employer in Bairnsdale, announcing that they had been forced to let go 10 staff because of increasing costs. The Andrews Labor government's ideology-driven policies are imposing ever-increasing gas and electricity prices on Victorian small businesses, not to mention the loss of critical reliability of our state's energy supply. The same businesses that are already reeling from skyrocketing land tax, the loss of one of their biggest trading days of the year, being the Friday before the Grand Final, and the major costs of additional public holidays.

Patties, the maker of brands such as Nanna's and Four'n'Twenty pies, is one of Victoria's up-and-coming businesses. It is typically negligent of this government to create an environment where even successful businesses are forced into reducing employees. In his letter explaining why the company was having to take this action, chief executive Paul Hitchcock said it was 'important to keep the company competitive in the face of significant increases in energy prices':

> In recent times we have seen the cost of gas go up by 120 per cent and electricity 150 per cent.

Patties and its employees are going through the very painful process of deciding who can stay and who no longer has an income to take home to their family. As those on this side of the house understand, even one lost job is an income that will no longer be spent in the local community and cost further jobs.

Steritech

Ms HALFPENNY (Thomastown) — I was pleased to join the Minister for Agriculture, Jaala Pulford, and representatives from Steritech, a family-owned company chaired by Ms Jennifer Dicker and founding member Mr Ian Dicker, and agricultural industry representatives from organisations such as the Victorian Farmers Federation, the Victorian Cherry Growers Association, the Cobram & District Fruit Growers Association and many others, to welcome Steritech to the Melbourne wholesale fruit and vegetable and flower markets. This demonstrates the importance of positive government industry policy, where government does influence industry to create employment and jobs, something that the opposition has absolutely no understanding of or idea about.

The relocation of these markets — and the Labor advocates who advocated for its relocation — to the northern suburbs reflects the start of a vision coming to full fruition. So we are looking at a number of jobs being created in the company of Steritech, which is about decontamination and irradiation of fresh fruit and vegetables, which will then open up huge potential for export markets for our Australian growers.

Cherished Mother and Child sculpture

Mr D. O'BRIEN (Gippsland South) — Today I rise to pay tribute to a number of women in my electorate. Last week in Sale I had the pleasure of attending the emotional unveiling of a beautiful memorial in Victoria Park to the mothers who had their children taken from them during the 1950s, 1960s and 1970s. The *Cherished Mother and Child* sculpture by Andrew Poppleton, cast by Meridian Sculpture, is of a mother looking lovingly at a newborn baby — a permanent reminder of an experience so many young mothers were denied. It is a permanent reflection of the national and state Parliament apologies to those mothers who went through the forced removal of their babies in the past.

Great credit goes to Sale's Brenda Coughlan of the Independent Regional Mothers of Victoria organisation, who was the driving force behind the memorial. Indeed one might describe Brenda as an irresistible force for her commitment to her fellow mothers in getting this memorial up. Brenda not only delivered it, she ensured former Premier Ted Baillieu and former Deputy Premier Peter Ryan were present, given their role in the 2012 apology. We thank them both for attending. Brenda, you are a gem, and well done to you and your colleagues for this wonderful memorial.

Karmai Community Children's Centre

Mr D. O'BRIEN — In Korumburra we have officially opened the Karmai Community Children's Centre, which is also a great credit to a number of local women who decided their town needed a new and better centre for child care, kindergarten and other children's services. Bron Beach and Rebecca Marriott and their committee of volunteers would simply not

take no for an answer and lobbied furiously for local, state and federal funding, which was delivered by the South Gippsland Shire Council, my predecessor, Peter Ryan, and federal MP for McMillan, Russell Broadbent. The result is an outstanding new facility for children and families in the town that will make it more attractive for families considering a move to South Gippsland. Well done to all parties involved.

Alphington Primary School

Ms RICHARDSON (Minister for Women) — Last week I was lucky enough to spend some time with the grade 6 students and their teachers at Alphington Primary School, one of many fantastic schools in my electorate. I was presented with a series of ideas on how to better promote kids' health and wellbeing. The students did not shy away from the tough challenges facing young people. They also understood the role parliaments play in improving outcomes and so were quite directional as a result. The future is in safe hands. Any one of these students has the potential and the community spirit needed to change our world for the better. Thank you, Alphington Primary School grade sixers, for sharing your ideas with me and for making me feel so welcome.

Her Place: Women in the West exhibition

Ms RICHARDSON — Last Tuesday I was delighted to join the member for Footscray at the official opening of the *Her Place: Women in the West* exhibition. Women make Victoria a better place every single day, but the vacuum of women in public art and spaces renders our achievements over the years invisible. This pop-up exhibition features true Victorian legends Susan Alberti, Paola Balla, Ruth Crow, Maisie Carr, Kerry Greenwood, Melba Marginson, Alice Pung, Peta Searle and our much-loved former Premier Joan Kirner. It will also travel to regional centres in Victoria.

Through our gender equality strategy, we have provided $330 000 to further the work to create a women's museum to present the history, experiences and achievements of women right here in Melbourne. To all the men who harp on about why we are not investing in a men's museum: well, guys, you are living in it — some as living, walking exhibits!

Punt Road planning overlay

Mr HIBBINS (Prahran) — Residents in the Prahran electorate are being left in limbo with regard to the decision on the future of the Punt Road public acquisition overlay (PAO). The Punt Road PAO committee handed its report on the overlay to the planning minister back in May 2016. Residents have now been waiting 10 months for a decision from the planning minister. They have been advised that the Minister for Planning has requested further technical work be undertaken by VicRoads and a decision will be made on the PAO early this year.

The report has not been made public, which means the community simply do not know what recommendations the minister is considering and what extra information he is seeking. I have sought the report through freedom of information but have been knocked back. I then took it up with the Freedom of Information Commissioner, but I have been knocked back again. I was the only candidate to take a clear position of removing the overlay to the last election, which has been left in place for decades and not addressed by previous government, so I welcome the government's review of the overlay.

In part of its submission to the panel, VicRoads' own data showed that it would be expensive — $500 million is the estimated cost to widen the road — destructive for the 130 properties bulldozed and completely pointless for the 65 per cent increase in traffic with only negligible improvement in travel times. There are alternatives: we have got the 24-hour clearways that are working well and car parks to open soon; the 246 bus can be upgraded to be a smart bus; and we can retain the heritage-listed Fawkner Mansions and put them back to use housing those in need. So I urge the minister to remove the overlay and to give residents certainty.

Victorian Sport Awards

Mr NOONAN (Minister for Industry and Employment) — I rise today to congratulate members of the Williamstown electorate who have excelled in sports and refereeing and are finalists in the Victorian Sport Awards. Liam Costello of Williamstown is nominated for official of the year for his role as a wheelchair rugby referee. Aged just 23, Liam's first international competition was the 2011 Asia Oceania qualification for the London Paralympics. Four years later, Liam was given the opportunity to officiate at the 2016 Rio Paralympics, where he refereed the bronze medal match between Japan and Canada.

Marilyn Luck, a resident of Kingsville, is nominated in the masters category. Marilyn has excelled in blind tenpin bowling and has held the title of world champion since 2007. At the most recent International Blind Sports Federation world games, Marilyn won four medals and was Australia's opening ceremony flag-bearer.

Finally, the Yarraville Cricket Club is nominated for the community sporting club of the year. This year it introduced two all-ability teams, changing the cricket club to be more inclusive and welcoming in every aspect. The club went on this year to win the Melbourne All Abilities Cricket Association super league by just eight runs.

I have immense pride in each of these three finalists from my local community, who continue to strive to reach their potential or help others reach theirs, regardless of the barriers in their way. I wish each of them the best of luck as the winners are announced next week.

Surf Coast Relay for Life

Mr KATOS (South Barwon) — Once again I was privileged to attend the Surf Coast Relay for Life, which had a record turnout and raised a record amount. The event was held in Torquay at Spring Creek Reserve on Friday, 3 March, and Saturday, 4 March. More than 500 people registered, with 25 teams taking part, helping to raise a record $68 571.25.

I congratulate the top fundraising team, the Life Activities Group, as well as Torquay College and Rippleside Ramblers, who were the other two of the top three fundraising teams. Of special note was Graham Gill, whose family was awarded the Spirit of Relay award because of his and his daughter's support for the cause and their personal fight against cancer. Finally, well done to Magdalena Wheatland, who is the organising committee chair, on a terrific and record outcome for this important community event.

Australian International Airshow

Mr KATOS — I also rise to congratulate Justin Giddings, CEO of Avalon Airport, and the entire team behind the 2017 Avalon air show for a fantastic and greatly attended air show. This year's air show set records, with over 210 000 people in attendance. During the three-day trade period there was strong representation from 45 countries, comprising 33 000 international delegates. Once the gates opened to the public, a whopping 176 742 people visited the air show in just over two days, which is terrific for the Geelong region. It was wonderful to see people of all ages enjoying the air show.

One aircraft of note was the joint strike fighter, the F-35, which made its public Australian debut to the joy and amazement of the crowds. Once again, congratulations to the entire team at Avalon Airport.

Yarrabah School

Mr RICHARDSON (Mordialloc) — There is understandably great excitement building in the Mordialloc electorate with the progression of the master plan for Yarrabah School. Of course Yarrabah is a specialist development school in my community that supports well over 250 students with various special needs. I am so proud to be the member of Parliament to work with them through this master plan process to redevelop their school. This is a school that has grown in the past 20 years by over 700 per cent, and unfortunately it has not attracted the investment or focus that previous governments should have looked to invest in it. The school has really grown in the past six years, to a level that we really need to look at how we support the school. Yarrabah's motto is 'A little school with a big heart'. It is no longer the little school that it was, and the time has come to invest in its future.

Over coming months I am looking forward to releasing this master plan and discussing the school's needs and priorities going into the future — how we can make the school even better for the coming 30 years after its serving our community for decades. To be true to our values, as the Victorian government and as a Parliament, we need to ensure that every student has the opportunity to be the very best in their community. I am dedicated to making sure that over 250 students at Yarrabah get everything they deserve.

Sadie Hogg

Ms RYALL (Ringwood) — I rise to congratulate a local constituent and long-time Mitcham resident Sadie Hogg, who turned 100 on 12 March. Sadie was joined by over 50 people, who helped celebrate this momentous occasion. She is one of five children of parents Sarah and James McColl. James was a former member of the Victorian Parliament, from 1886 to 1901, then later a Victorian Senator. Sadie was born in 1917 in Melbourne and went to school at Deepdene State School and later in Fitzroy. Sadie travelled overseas before moving back to Australia and working in the Naval Office in Melbourne as a secretary. There she met the love of her life, Richard, an air force officer. They married in 1942. Although her father was no longer in politics, Sadie was engaged with and became an active member of the Victorian Women's Liberal Association, Mitcham branch.

Sadie has always had a positive outlook on life and loves the motto 'How can I help?'. She became a carer to her mother in the later stages of her mum's life whilst managing the five kids at home. She would always take in foreign students visiting Melbourne and was only too

happy to cook up a traditional Aussie meal for them. She then took care of Richard's sister as well as Richard himself when they became frail and aged. Sadie is a proud grandmother to 14 grandchildren and also boasts an impressive four great-grandchildren. It was truly an honour and privilege to meet Sadie and present her with a certificate to celebrate her 100 years. I thank her and her family for awarding me that honour.

Joan Kirner Women's and Children's Hospital

Ms SULEYMAN (St Albans) — The cranes are up at the Joan Kirner Women's and Children's Hospital. In St Albans we have seen many cranes go up over the last three years, since the Andrews Labor government was elected. I was happy to join the Minister for Health and of course the students from Jackson School to see the first crane go up at Western Health to begin building the new $200 million Joan Kirner Women's and Children's Hospital.

Singh Sabha Kabaddi Tournament

Ms SULEYMAN — On another matter, on Sunday, 12 March, I had the pleasure of attending the sixth annual Singh Sabha Kabaddi Tournament in St Albans. Kabbadi is a popular contact team sport, which originated in ancient India.

Vaisakhi Mela

Ms SULEYMAN — On a further matter, on Sunday, 19 March, I was honoured to represent the Minister for Multicultural Affairs and attend the Vaisakhi Mela. This ancient and important festival marks the beginning of the Sikh New Year, and I would like to wish all those celebrating a very Happy New Year.

Klabb Ghannejja Maltin

Ms SULEYMAN — I would like to commend joined the Klabb Ghannejja Maltin of St Albans for hosting their annual multicultural day. The day included traditional dancing from Maltese, Ukrainian, Macedonian and Scottish communities. This really showcased the diversity in the west. I was extremely proud yet again to attend this event.

Turkish Pazar Festival

Ms SULEYMAN — Finally, I would like to commend the Turkish Pazar Festival at Queen Victoria Market. The 10th annual event attracted over 35 000 people on the weekend. This was another great example, hosted by the Moreland Turkish Association.

Alexandra sesquicentenary

Ms McLEISH (Eildon) — The township of Alexandra celebrated its sesquicentenary recently — 150 years is a big deal — and the town put on a great show. Held over two weekends, the town was a constant buzz of activity with something for everyone. I was pleased to be able to attend many of these events.

A highlight was the birthday ball, complete with a big band held in the shire hall, which was lit up on the outside courtesy of a light display. It was a mini version of White Night, and it looked fantastic. Other activities included a party in Rotary Park, a civic reception honouring former shire presidents, a time capsule and display at the primary school, a picnic and a long table in Perkins Street, a historic photo display and picnic racing.

So many people were involved in making the celebration a success. Planning took place over a couple of years, and those involved should be proud of their efforts. The committee had some degree of fluidity and included in no particular order: David Dimech, Wayne Miller, Andrew Embling, Aiden Embling, Gordon Simpson, Peter Rice, Ian Newman, Hans Schonekas, Henry Andrews, Ray Mathieson, Lindy Sloan, Jan Fallon, Sam Hicks, Sue Sedelies, Maggie Hammil, Councillor Margaret Rae, Margaret Abbey and Tony Pammer.

Festival Amongst the Falls

Ms McLEISH — The Kinglake Festival Amongst the Falls was recently held over the long weekend, with the theme 'A celebration of living well in the Kinglake Ranges'. Each day had a different theme which aimed to showcase Kinglake: health and vitality, clash of the clans, artistry and creativity, and local cuisine and produce. I attended the berries and pancake breakfast at Ellimatta Youth centre and was encouraged by the efforts of the young people — a special mention to Bass and Jess.

Melbourne Polytechnic Greensborough campus

Mr CARBINES (Ivanhoe) — I would like to commend the Minister for Training and Skills in the other place for opening the new Melbourne Polytechnic campus at Greensborough. I was pleased to attend that last weekend. It has been a long fight to get that campus reopened for the communities of the north-eastern suburbs and to provide jobs and training opportunities for our young people. Certainly as the West Heidelberg campus of what was Northern Melbourne Institute of TAFE and now is Melbourne Polytechnic, I did notice that at Greensborough the former Labor Deputy Prime

Minister, Brian Howe, originally opened that Greensborough campus in 1993. I am showing my age, because I know that I was around at the time of that opening working for our federal member, Peter Staples. Again, almost 25 years later, it is a Labor government reopening what the Liberals had closed.

Fletcher Insulation

Mr CARBINES — I also pay tribute to the Australian Workers Union workers at Fletcher Insulation at Frankston-Dandenong Road, Dandenong. It was day 32 when I visited them with the member for St Albans on Monday. People who have given 44 years service and spent their working lives in very tough, hard conditions are being very badly treated and disrespected by Fletcher Insulation, but they are very strong and true people. I have got a lot of respect for them. It was great to spend time with them, and I encourage other members to do the same. Big respect for the work that they do for their families and in our community. We commend a great outcome for them.

Ashburton and Burwood police stations

Mr WATT (Burwood) — Crime stats were recently released, and I am sad to report that once again crime has skyrocketed through my area. This follows the closure of both the Burwood and Ashburton police stations — sorry, I think the minister calls it 'hours being adjusted' down to zero. While the hours have been adjusted down to zero for Burwood and dramatically slashed in Ashburton, I can report that, sadly, my constituency has felt the effects. Crime in Boroondara last year actually increased by 13.2 per cent. While population growth has been 2 per cent, there has been an increase in crime of 13.2 per cent, so there has been a bit of an understatement of the effects on my electorate.

If you look at crimes against the person in Glen Iris — and I accept that I share the suburb of Glen Iris with both the member for Hawthorn and the member for Malvern — they went up by 72.5 per cent. Crimes against the person in Ashburton, which is wholly within my own electorate, went up by 20.8 per cent. The electorate is frightened, and they have reason to be. Crime is out of control.

Eureka Rally

Ms KNIGHT (Wendouree) — Start your engines — and I am not talking about the grand prix. I am talking about the Eureka Rally. It was just fantastic to have so many rally drivers and so many rally cars in Ballarat over the weekend. It has been 46 years since the last Eureka Rally, but man, was it worth waiting for! I had the absolute privilege of doing a hot lap as a passenger, being driven by the beautiful, irrepressible Ms Molly Taylor, who is the 2016 Australian Rally Champion — in fact the first female and the youngest driver to win a rally series. Thank you so much, Molly. I loved kicking up the dust with you. Particular thanks also to your rally partner, Bill Hayes, for strapping me into the Subaru, which is not as easy as it looks.

For those who know me, the answer is yes, I did do a hot lap in heels. I also got dust in places I did not know dust could go, but that is a different story. I send a big shout out to the event organisers, especially Katie Philps. She is amazing. Dean Herridge, rally royalty, did a fantastic job of emceeing the start and instructing me in the ways of the starter's flag. Thanks to all the teams that spent time in Ballarat and to all of those who spent money in our shops and hotels. I make special mention of Rob Davis. It was fantastic to bump into Rob after 35 years. What a great event for Ballarat — just one of many great events that we have.

CRIMES LEGISLATION AMENDMENT (PUBLIC ORDER) BILL 2017

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Crimes Legislation Amendment (Public Order) Bill 2017.

In my opinion, the Crimes Legislation Amendment (Public Order) 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

This bill contains a number of measures designed to ensure that Victoria Police have the appropriate powers to deal with disturbances of public order. The need for these measures has been highlighted by recent violent clashes at protests, sporting events and other public gatherings.

Under the Control of Weapons Act 1990, the Chief Commissioner of Police may make a planned or unplanned designation of an area for the purpose of enabling weapon searches to be conducted in that area. The maximum time limit for designated areas under the act is 12 hours. The bill will allow for additional non-search related powers to be used by police in those designated areas, to prevent and control outbreaks of public disorder.

New statutory public order offences will be created by the bill and three outdated common-law offences abolished. The new offences carry aggravated maximum penalties where they are committed by someone covering their face with a bandana or

scarf to obscure their identity or shield themselves from capsicum spray, in recognition of the impact on victims and the difficulty for police in identifying offenders.

Finally, the bill creates a legislative requirement for local councils to consult with Victoria Police when considering an application to hold a protest. The decision as to whether or not to approve a permit will remain exclusively a matter for the local council, but the requirement to consult will ensure that Victoria Police is made aware of any upcoming protests that may become violent.

Human rights issues

Additional powers within designated areas

As I have noted, the bill provides additional non-search related powers to be used by police in areas designated under the Control of Weapons Act 1990. The requirements for declaring a designated area differ between planned and unplanned designations. However, before making either type of designation, the Chief Commissioner of Police must be satisfied that violence or disorder is likely to occur and that the designation is necessary to protect the safety of all people in that area.

The test for a planned declaration of a designated area under section 10D is linked to the previous use of weapons in that area or during previous occasions of the event, while the test for making an unplanned designation relies on a future likelihood of violence or disorder involving weapons occurring in the designated area. The purpose of the additional search powers within a designated area is therefore to detect people carrying weapons and deter the commission of weapons-related offending.

When the search powers were introduced in 2010, it was concluded that the exercise of such powers was incompatible with human rights under sections 13(a), 21 and 17(2) of the charter (privacy, liberty, and the rights of children to protection). These search powers have been found to be effective in the detection of offenders and in deterring others from offending, and the concern of the community in relation to violence involving the use of weapons in public places has not abated. I consider that these search powers remain necessary and in the best interests of the community.

The amendments contained in this bill will not expand the use of search powers; instead they create new powers for police to manage public safety issues in respect of those who conceal their faces in a designated zone. I will now discuss the compatibility of the new powers in the bill with human rights under the charter.

Freedom of movement (section 12)

Section 12 provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it.

This scheme will create a justifiable limit on the right to freedom of movement under section 12 of the charter by providing special powers for temporary use by police in designated areas.

A designation can only be made when the Chief Commissioner of Police is satisfied that it is necessary to prevent or control outbreaks of violence and public disorder and protect the safety of all people in that area. This bill will allow police to issue a direction to leave a designated area in two situations. The first of these situations relates to a person wearing a face covering primarily to obscure the person's identity or to shield the person from capsicum spray. New section 10KA(1) created by clause 5 of the bill will allow a police officer to order a person wearing a face covering to leave the designated area if the officer reasonably believes the person is wearing a face covering for this purpose and that person has refused a request by the officer to remove it. This power is only available if the officer reasonably believes the person is wearing it to conceal their identity or shield themselves from capsicum spray. If the main purpose of wearing the face covering is for cultural or medical reasons, the power should not be used and police will receive guidelines and training on the appropriate use of this power. Violent behaviour committed by masked individuals has induced additional fear in members of the public and created significant issues for police in identifying offenders and controlling crowds in situations such as the Moomba riot and the protest in Coburg in 2016.

Designated areas have a maximum time limit, hence people's ability to move freely is not affected for a long or indefinite period.

Police will also be able to issue a direction to leave the designated area when the officer reasonably believes that the person intends to engage in violence that would constitute one of the two most serious statutory offences being created by this bill, being affray and violent disorder (see clause 7). The test of reasonable belief is a high threshold and police will need to be satisfied on that basis that a person intends to commit one of these indictable offences before being able to order a person to leave the designated area. If a person refuses to comply with either direction after the obligations have been explained, they may be charged with an offence punishable by 5 penalty units (see clause 6). This is not an oppressive penalty. Given the temporary and restricted application of these powers and the need to protect the safety of all persons attending these kind of gatherings, I consider any limitation this places on a person's right to freedom of movement is reasonable and justified on the grounds of public safety and that there are no less restrictive measures available, noting that current measures have not been sufficient to control outbreaks of violence and public disorder in several protests and events over the past 12 months.

As a safeguard to the use of these powers, Victoria Police will be required to report annually on the number of declarations made under the Control of Weapons Act 1990 and whether any of the new powers under section 10KA(1) were used while the designation was in effect. This will complement the existing requirements to report on searches conducted in designated areas.

Freedom of religion and belief (section 14), cultural rights (s 19) and equality before the law (section 8)

Section 14 of the charter protects the right of a person to demonstrate his or her religion or belief in public. Section 19 of the charter provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy his or her culture, to declare and practise his or her religion and to use his or her language. Section 8 of the charter provides that every person has the right to enjoy their human rights without discrimination, including on the basis of religious belief or activity.

These rights are relevant to the power of a police officer, in a designated zone or event, to order a person to remove a face

covering. This power is only available if the officer reasonably believes the person is wearing it to conceal their identity or shield themselves from capsicum spray (clause 5). As I stated earlier, if the main purpose of wearing the face covering is for cultural or medical reasons, the power should not be used and police will receive guidelines and training on the appropriate use of this power.

As above, an additional safeguard to the use of this power is that a person who chooses not to remove their face covering when ordered to by police will be given the option to leave the area instead of removing their face covering. If the person chooses to keep wearing the face covering and leaves the area as directed, they will not have committed an offence. Hence, a person can choose to continue wearing their face covering if they leave the designated area immediately. Only a person who refuses to comply with either option after having them properly explained by the police officer can be charged with an offence punishable by 5 penalty units.

I note the safeguards contained in the provision, including that a police officer cannot direct a person to remove a face covering for cultural or medical reasons, and that a person can choose to continue wearing their face coverings if they leave a designated area. I also note that a blanket ban to wearing face coverings in the designated area is not the approach that has been adopted under the bill; it is only an offence if a person refuses to comply with either of the two options outlined above. This is a less restrictive approach. I therefore consider that any limitations placed on the right of a person to demonstrate his or her own religion are proportionate and justified.

Freedom of expression (section 15) and the right to peaceful assembly (section 16)

The rights to freedom of expression and to peaceful assembly are protected under sections 15 and 16 of the charter. Section 15 provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. Section 16 provides that every person has the right of peaceful assembly and the right to freedom of association with others.

These rights are relevant to the powers that police will have available in designated areas to direct a person to leave, particularly where the direction is to leave a protest. As I have noted above, the scope for police to use these powers is circumscribed and proportionate; police can only use these powers in the two ways described above. Section 15(3) provides that special duties and responsibilities are attached to the right to freedom of expression and the right may be subject to lawful restrictions to respect the rights of other people (such as other civilians or protesters) and for the protection of public order. I consider that the powers described above likely fall within the internal limitation in section 15(3).

The government respects the right of all Victorians to peaceful protest under section 16 of the charter and the powers in this bill will be directed only at persons who threaten violence while expressing their views. In this respect, the powers will also protect the rights of all other protestors to demonstrate peacefully. I consider that any limitations to the right to freedom of association for those threatening violence or deliberately shielding their face as proportionate and justified.

The implied constitutional right to freedom of political communication is also relevant to the use of these powers. As with the right to freedom of expression under the charter, it is justifiable to limit the implied freedom of political communication for persons using or threatening violence in protests. I consider that the limited use of special police powers in these circumstances is necessary to maintain peace and good order.

Protection of families and children (section 17)

Section 17 of the charter provides that every child has the right, without discrimination, to such protection as in his or her best interests and is needed by him or her by reason of being a child.

The new powers proposed in the bill will apply to all persons, including children, while present in a designated areas. Recent outbreaks of violence and public disorder during events such as Moomba and at the Summersault Festival have highlighted the need for these new powers to protect the safety of all attendees, including children.

New statutory public order offences

This bill abolishes the common-law offences of affray, rout and riot and replaces them with two modernised statutory offences. Clause 7 creates the new offences of affray and violent disorder with penalties of increasing seriousness.

The offences carry higher maximum penalties where they are committed by a person wearing a face covering to conceal their identity or shield themselves from the effects of a crowd-controlling substance such as capsicum spray. This is relevant to the right under section 14 of the charter of a person to demonstrate his or her religion or belief in public. The operation of these higher maximum penalties will not impact this right, as it will be a matter for the prosecution to raise and prove beyond reasonable doubt that the face covering was worn for an impermissible purpose rather than for a legitimate cultural or religious purpose.

These offences are designed to protect the safety of all people involved in peaceful protests and those attending other large-scale public gatherings. I consider that they are compatible with the charter, are the least restrictive measures available and promote the right to life (under section 9 of the charter) and the right to peaceful assembly (section 16) for other members of the community by ensuring those committing violent acts in public events can be arrested and prosecuted.

Requirement for local government to consult with Victoria Police

The bill inserts a provision at clause 3 into the Summary Offences Act requiring councils to consult with Victoria Police when considering an application made for a permit in relation to a proposed protest. This will ensure that Victoria Police are made aware of any upcoming protests that may become violent and that councils have the expertise of Victoria Police available to them in relation to upcoming protests.

The right to peaceful assembly and freedom of association under section 16 is not affected by this amendment, as local councils will retain the authority they currently have to approve or deny a permit to protest. Further, not all protests require a permit and this bill does not alter that position.

The Hon. Martin Pakula, MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

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

The Crimes Legislation Amendment (Public Order) Bill 2017 contains a range of new measures to prevent serious disturbances of public order, including outbreaks of violence at protests, demonstrations and other public events.

The need for these laws has been highlighted by recent unacceptable disturbances at events in Victoria — the rampage at the recent Summersault Festival, riots at the Moomba festival, and clashes between violent protestors at demonstrations. Police were well prepared for these events, and responded appropriately to these outbreaks of violence. However, these events indicated that greater powers are needed to prevent violent clashes before they occur.

We have also seen an increase in the use of balaclavas and other makeshift face coverings by those who intend violence at public events. These face coverings are menacing and their presence can cause those participating in peaceful protest to fear for their personal safety. Face coverings prevent police from identifying troublemakers, and the anonymity they provide can lead the wearer to think that they can act without consequence. The measures contained in this bill will ensure police have the ability to respond to cowards who shield their identity to commit acts of violence. The bill will also impose much higher penalties on persons who do commit offences while wearing face coverings.

Additional powers in designated areas

The Chief Commissioner of Police already has the authority to declare a specific area or event to be a designated area under the Control of Weapons Act 1990. Before doing so the chief commissioner must be satisfied that there is a likelihood that violence or disorder involving the use of weapons will occur in that area. The making of a declaration provides Victoria Police with additional powers to search people and vehicles within that area for the duration of the designation.

The test for a planned declaration of a designated area under section 10D of the Control of Weapons Act 1990 is linked to the previous use of weapons in that area or during previous occasions of the event, while the test for making an unplanned designation under section 10E relies on a future likelihood of violence or disorder involving weapons occurring in the designated area.

The bill provides additional powers for police to use within designated areas. These powers include the ability to require a person wearing a face covering to either remove their face covering or leave the area immediately. If a person chooses to remove their face covering, that person is free to stay in the area and continue protesting — peacefully. But if they refuse to remove their face covering, and refuse to leave the area, they will be committing an offence. The bill also provides a new power to police to deal with persons intending violence. A police officer who reasonably believes a person intends to use the kind of violent and antisocial behaviour that would constitute one of the new public order offences of affray or violent disorder created by this bill will be able to direct a person to leave a designated area. If the person refuses to comply with this order to leave, they will be committing an offence.

These laws respect the right of Victorians to engage in peaceful protest, whilst ensuring that police are able to deal with those who seek to disrupt peaceful protests and other events. They are powers for use in restricted circumstances, over a limited area and for a limited duration. A designation can only be in place for as long as necessary, and no longer than 12 hours. The area affected by a designation must be no larger than is reasonably necessary and the Chief Commissioner of Police will be required to report to the Minister for Police on the number of declarations made under sections 10D and 10E of the Control of Weapons Act 1990 and when the new powers are used.

The laws relating to face coverings apply only to face coverings worn primarily to hide the wearer's identity or to shield the wearer from capsicum spray. The powers do not apply to face coverings worn for religious or cultural purposes. Nothing in these laws will prevent a person from wearing a face covering for legitimate purposes, nor deter such persons from participating in peaceful protests.

Move on laws

I note that in the wake of the violent protest in Coburg last year, the opposition called for the government to reinstate their 'move on' laws that were repealed by this government shortly after coming into office. The government will not be doing this. The 'move on' laws were not targeted at violent protestors, but sought to silence Victorians who wished to engage in peaceful protest and industrial action.

Unlike the move on laws, these new laws apply to protests and other events designated because of the threat of violence and public disorder. The fact that a protest is designated under these laws — due to the violence of, for example, a small number of troublemakers — will not prevent other participants from continuing to engage in peaceful protest.

New offences

In the wake of the violent protest at Coburg in May 2016, the government committed to stronger penalties for those involved in violent disorder. This bill will achieve this by modernising the offences applicable to such conduct.

Currently, there is a range of common-law offences applicable to such conduct, including affray, rout, and riot. The elements of these common-law offences are not found in legislation but in case law, and have existed in their current form for many years. With the exception of affray, these offences are not often charged. Every other Australian jurisdiction has abolished these common-law offences and replaced them with statutory offences.

This bill will abolish these offences in Victoria and introduce two new statutory offences. These offences will be known as affray and violent disorder.

The new statutory offence of affray will capture all conduct that currently constitutes the common-law offence of affray. The maximum penalty for the offence will be five years imprisonment, in line with the current penalty for the common-law offence.

The more serious offence is the new offence of violent disorder, which will be punishable by a maximum penalty of 10 years imprisonment. This offence will be committed when

six or more persons use violence for a common purpose, and that conduct damages property or causes injury to a person.

Each of these offences will carry a higher penalty if committed by a person wearing a balaclava or other face covering. In the case of affray, the increased penalty will be seven years. For those who commit violent disorder while wearing a face covering, a maximum penalty of 15 years will apply. These penalties will send a strong message to those who think they can evade detection and engage in violence by shielding their identity.

Consultation with local government

The bill introduces a requirement that local government consult with Victoria Police regarding any application for a permit that relates to a proposed protest. This will ensure that Victoria Police is advised in advance of proposed protests, so that they can work together with the relevant council to minimise the risk of violence.

This change will not impose a requirement on people to seek a permit for protest. It will apply only to situations where permits are already required, and will impose obligations only on the relevant local council. The government is not requiring people to seek permits where a permit was not previously needed.

Conclusion

The measures contained in this bill will ensure that Victoria Police has the powers it needs to prevent and respond to outbreaks of violence at protests, demonstrations and other events. It does so without restricting the ability of Victorians to engage in industrial action and peaceful protest.

It will allow police to take appropriate action against those who hide behind balaclavas and face coverings, while preserving people's right to wear face coverings for legitimate purposes. It will also ensure that tough and appropriate penalties apply for persons who do commit acts of violence at public events.

I commend the bill to the house.

Debate adjourned on motion of Mr PESUTTO (Hawthorn).

Debate adjourned until Thursday, 6 April.

FAMILY VIOLENCE PROTECTION AMENDMENT (INFORMATION SHARING) BILL 2017

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('the charter'), I make this statement of compatibility with respect to the Family Violence Protection Amendment (Information Sharing) Bill 2017.

In my opinion, the Family Violence Protection Amendment (Information Sharing) Bill 2017 ('the bill'), as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Family Violence Protection Act 2008 ('the principal act') to establish an information-sharing scheme specifically designed to enable prescribed entities to share family violence information in a timely and effective manner, such that it prevents or reduces family violence, and to provide for a framework for achieving consistency in family violence risk assessment and family violence risk management practices. The bill also makes consequential and miscellaneous amendments to other acts and for other purposes.

The bill implements one of the key recommendations of the Royal Commission into Family Violence by creating a specific family violence information-sharing regime that will apply where entities are not authorised under existing privacy legislation to share information relevant to family violence risk assessment and protection. The purpose of the regime is to provide a statutory authorisation for organisations that provide services to victims or perpetrators of family violence to share relevant information with each other for family violence purposes. It does so by inserting a new part 5A into the principal act to provide for the sharing of confidential information between specified persons and bodies for the purposes of assessing and managing risks of family violence, and to promote the coordination of services by those persons and bodies to further the purposes of the principal act.

The bill also inserts a division 6 into new part 5A of the principal act to establish a central information point ('CIP'). The establishment of the CIP was recommended by the royal commission as a critical systems enabler to support better information sharing and to provide updated information to assist risk assessment and risk management.

The bill also inserts a new part 11 into the principal act to give legislative status to the family violence risk assessment and risk management framework, where approved by the responsible minister. In doing so, the bill will require prescribed organisations to align their policies and practice guidance with the framework, require public service bodies and public entities to include alignment with the framework as a condition in future contractual or service agreements relating to family violence, and provide for annual reporting on the framework.

Human rights issues

In my opinion, the human rights under the charter that are relevant to the bill are:

the right to privacy as protected by section 13 of the charter;

the right to be presumed innocent as protected by section 25(1) of the charter;

the protection of families and children as protected by section 17 of the charter; and

the right to receive and impart information and ideas under s 15(2) of the charter.

For the reasons outlined below, I am of the view 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.

Family violence information-sharing regime

Privacy

The bill requires and permits the collection, use or disclosure of health and personal information for family violence assessment or protection purposes, that may relate to both victims, perpetrators or potential perpetrators, and in some cases relevant third parties. Therefore, the rights to privacy and reputation in section 13 of the charter are relevant. Section 13(a) 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(b) provides that a person has the right not to have his or her reputation unlawfully attacked. In my opinion, although several provisions of the bill will permit interference with a person's privacy and reputation, for the reasons outlined below they will not constitute a limit on the right in section 13 and are therefore compatible with the charter.

Scope of the information-sharing regime

The information-sharing regime created under new part 5A will apply to persons and bodies, or classes of persons or bodies, that are prescribed by regulations to be 'information sharing entities' for the purposes of this part. New section 210A provides for the Governor in Council to make regulations with respect to matters including prescribing persons or bodies as information sharing entities ('ISEs'), and whether a prescribed ISE is a 'risk assessment entity' or a 'protection entity' or some other class of ISE with more specific levels of authorisation to share or obtain information within the limits of the scheme. The regulations may also impose conditions on how those different categories of prescribed entities may handle confidential information.

'Confidential information' in part 5A comprises health information and identifiers (as defined in the Health Records Act 2001 ('HR act'), personal information (as defined in the Privacy and Data Protection Act 2012 ('PDP act'), including sensitive information, and unique identifiers.

New section 144J of the principal act sets out a number of principles to be used for guidance in relation to the collection, use or disclosure of confidential information that is authorised or required to be collected, used or disclosed under this part 5A. These principles include that ISEs should:

> work collaboratively to coordinate services in a manner that respects the functions and expertise of each ISE;
>
> in deciding whether to collect, use or disclose confidential information, give precedence to the right to be safe from family violence over the right to privacy;
>
> only collect, use or disclose a person's confidential information to the extent that the information, use or disclosure of information is necessary to assess or manage risk to the safety of children and adults from family violence, and to hold perpetrators of family violence accountable for their actions;
>
> collect, use or disclose the confidential information of a person who identifies as Aboriginal or Torres Strait Islander in a manner that promotes the right to self-determination and is culturally sensitive and considers the person's familial and community connections; and
>
> have regard to and be respectful of a person's cultural, sexual and gender identity and religious faith.

The bill regulates the handling of confidential information both of 'primary persons' (i.e. persons reasonably believed to be at risk of being subjected to family violence) as well as 'persons of concern' (i.e. persons who an ISE reasonably believes may commit family violence). In some circumstances the bill also imposes requirements in respect of confidential information of persons who are alleged to pose a risk of family violence, who I will refer to in this statement as 'alleged persons of concern'. Given the dynamics of many family violence cases can be complex and the risk of misidentification of victim or perpetrator (for example, due to cross-applications for court orders), the bill intends to give ISEs sufficient discretion to determine who the actual potential victim or perpetrator is for the purposes of the information-sharing regime.

Further, the bill also regulates the handling of confidential information of third parties who are 'linked persons'. A 'linked person' is any person whose confidential information is relevant to assessing or managing risk of the primary person being subjected to family violence or the person of concern committing family violence.

Disclosure obligations under the regime

Divisions 2 and 3 of new part 5A of the bill permit and require, in certain circumstances, ISEs to disclose confidential information about primary persons, persons of concern and alleged persons of concern, and linked persons, either to an ISE that is a risk assessment entity for a 'family violence assessment purpose' (i.e. for the purpose of establishing and assessing the risk of a person committing family violence or a person being subjected to family violence); or to another ISE for a 'family violence protection purpose' (i.e. for the purpose of managing a risk of a person being subjected to family violence to reduce or remove that risk or to prevent its escalation, and includes the ongoing assessment of the risk of the person being subjected to family violence).

Division 4 of part 5A also provides for ISEs to voluntarily disclose confidential information about a person of concern to a primary person (or to a parent of the primary person other than the person of concern) for a family violence protection purpose; however, the bill also prohibits a primary person, or the parent of a child who is a primary person, from using or disclosing confidential information obtained about a person of concern under the bill except for the purposes of managing the primary person's risk, or their child's risk, of being subjected to family violence.

In each instance, confidential information may only be shared in accordance with these provisions if it is not 'excluded information'. The bill recognises a limited number of circumstances where information-sharing entities can refuse to share for legitimate reasons (e.g. where sharing information could endanger a person's life or result in physical injury, prejudice law enforcement or contravene legal professional privilege.

Division 5 of part 5A prescribes whether and when consent is required for the collection, use or disclosure of confidential information about a primary person, a person of concern or alleged person of concern, or a linked person.

Division 8 of part 5A deals with the relationship between this part and other acts, in particular the PDP act and the HR act. New section 144Q provides that part 5A does not affect collection, use or disclosure of confidential information by an ISE that would otherwise be permitted by or under the PDP act, the HR act or any other act, however the bill also amends the PDP act and the HR act, to expressly displace Information privacy principles 1.4, 1.5 and 10.1 in relation to persons of concern and alleged persons of concern. Health privacy principles 1.3 and 1.5 are also be expressly displaced for a person of concern and an alleged person of concern.

The new section 144QA and part 5 also provides for specific exceptions to access rights under the PDP act, HR act and the FOI act where providing access would increase the risk to a primary person's safety from family violence or where providing access would pose a serious (rather than serious and imminent) threat to an individual's life, health, safety or welfare.

The new section 144QB ensures that the PDP act will apply to ISEs that are not presently covered by that act in the context of the collection, use and disclosure by those ISEs of personal information under new part 5A. ISEs that collect, use and disclose health information under the new part 5A will also be covered by the HR act.

Confidential information about a primary person or linked person — consent requirements

The bill provides that confidential information about a primary person or a linked person may be voluntarily disclosed by an ISE to a risk assessment entity or another ISE, and in some circumstances must be disclosed where requested by a risk assessment entity or another ISE, for family violence assessment or protection purposes, provided that the confidential information is not excluded information and is permitted to be disclosed in accordance with consent requirements in division 5 of new part 5A.

Under new sections 144NA and 144NB in division 5, an ISE must not collect, use or disclose confidential information about a primary person or about a linked person, unless:

> the primary person or the linked person (as the case may be) consents to the collection, use or disclosure; or
>
> the ISE reasonably believes that the collection, use or disclosure is necessary to lessen or prevent a serious threat to an individual's life, health safety or welfare. There is no requirement that the serious threat must also be 'imminent'.

Where the bill requires an ISE to obtain the consent of a primary person or linked person before disclosing confidential information, and that person is incapable of giving consent to the disclosure (by reason of age, injury, disease, illness, disability, physical impairment or mental disorder), the ISE may obtain consent from that person's authorised representative (as defined in the bill), unless the authorised representative is a person of concern or is an alleged person of concern.

Where the primary person is a child, the bill does not require that an ISE obtain the consent of any person before disclosing the confidential information about that child (includes adult victim who is also a parent or any relevant linked person). Unlike for adult victims (where consent is regarded as more determinative for whether information is shared), the bill adopts a more purpose-driven approach for sharing information in relation to children — namely, under new section 144NC, sharing is permitted if it is necessary for risk assessment and safety management of a child victim, and provided that it is not excluded information, regardless of consent.

Confidential information about a person of concern and an alleged person of concern — consent requirements

The bill provides that confidential information about a person of concern may be voluntarily disclosed by an ISE to a risk assessment entity or another ISE, and in some circumstances must be disclosed where requested by a risk assessment entity or another ISE, for family violence assessment or protection purposes, provided that the confidential information is not excluded information.

The bill also provides that confidential information about an alleged person of concern may be required to be disclosed where requested by a risk assessment entity or another ISE, but only for a family violence assessment purpose.

Under new section 144N, an ISE may collect, use and disclose confidential information about a person of concern or an alleged person of concern, without their consent.

This provision will apply to information about persons of concern and alleged persons of concern, whether they are adults or children. The particular effect of this provision on children who pose a risk of family violence is discussed further below in relation to the right in section 17(2) of the charter.

Any interference with privacy is lawful and not arbitrary

I am satisfied that any interference with a person's privacy that occurs will be permitted by law. I am similarly satisfied that any interference with a person's reputation that may occur through the sharing of information pursuant to the regime will be lawful.

The circumstances in which confidential information may be shared are limited and clearly set out in the provisions and are appropriately circumscribed, having regard to the important objectives of this bill. Further, the provisions are not arbitrary as they are for legitimate purposes that are relevant to and necessary for the proper operation of the information-sharing regime. In particular, I wish to highlight the following points.

Although the bill represents a recalibration of rights to give precedence to the right to be safe from family violence over the right to privacy, it retains appropriate protections for the privacy of persons of concern and alleged persons of concern through the exclusion of 'excluded information' from the obligation to disclose, and the applicable thresholds that must apply for the information to be requested and provided. Existing privacy protections are only displaced to the extent necessary. For example, confidential information cannot be disclosed where to do so would prejudice the fair trial of a person. This exclusion ensures the regime's compatibility with the fair hearing right in section 24(1) of the charter.

In relation to the potential interference with privacy of alleged persons of concern, I note that confidential information about

an alleged person of concern may be disclosed for a family violence assessment purpose simply by virtue of an allegation made by another. Further, the fact that their consent is not required, and because of the displacement of the notification requirements under IPP 1.5 and HPP 1.5, it is possible that the alleged persons of concern may never know that their personal or health information has been collected, used or disclosed. Despite this, in my opinion this is a proportionate and appropriate response to ensuring that ISEs have an accurate picture of the overall risk to primary persons, and is consistent with the royal commission's 'safety first' model. In addition, the bill only permits the handling of confidential information about alleged persons of concern for a family violence assessment purpose, and does not permit it for protection purposes, which means that the information will be handled by a smaller subgroup of ISEs until such time as an ISE is able to form a reasonable belief that the person may pose a risk of committing family violence.

I note that, unlike for adult victims, the bill does not require that an ISE obtain the consent of any person before disclosing the confidential information a person where that information is relevant to assess risk or manage the safety of a primary person who is a child. The bill therefore gives explicit recognition to the precedence of a child's right to be safe from family violence over any individual's rights to privacy. It also enables early intervention where child victims are involved without requiring that a threat to a child become serious before relevant information can be shared without consent. Further, requiring ISE workers to determine the appropriate consent model in each individual case could lead to inaction due to uncertainty about the right approach and encourage unnecessary risk aversion among practitioners when considering whether to share information without consent. Having regard to these factors, I consider that any interference with the privacy of child primary persons occasioned by the bill is not arbitrary. For similar reasons, I am also satisfied that any limit on the right of a child in section 17(2) of the charter to such protection as is in their best interests by permitting information sharing to protect child victims irrespective of consent, will be demonstrably justified in accordance with section 7(2) of the charter.

In relation to the inclusion of 'linked persons' in the bill, I note that this may result in an interference with the privacy of third parties who are neither primary persons nor persons of concern. However, in my opinion it is necessary to include third parties within the information-sharing regime in order for ISEs to obtain a comprehensive picture of the history of the perpetrator and the overall risk to the victim. The bill also preserves adult primary persons, and linked persons' control over the sharing of their information, except in cases of serious threat or where their information relates to a child victim.

In addition to the protections imposed by the carefully tailored provisions discussed above, the bill also contains a number of safeguards to protect against misuse of confidential information that is used or disclosed in accordance with the provisions of the bill. For example, division 7 of new part 5A provides for the minister to issue guidelines with which ISEs will be required to comply when handling information in accordance with part 5A. Division 9 of new part 5A includes offences, with substantial penalties, where a person uses or discloses confidential information otherwise than in accordance with part 5A and a small number of specific exceptions; unless the person can prove that it was done in good faith and with reasonable care. Offences will also apply to agents or officers acting on behalf of bodies corporate.

An individual will be able to make a complaint to the commissioner for privacy and data protection or the health complaints commissioner if their privacy is unlawfully interfered with under the regime. The commissioner for privacy and data protection and the health complaints commissioner will continue to exercise their existing powers to investigate and issue compliance notices to information-sharing entities for serious or flagrant privacy breaches under the regime. For organisations that are subject to national privacy laws, complaints may also be made to the Office of the Australian Information Commissioner.

For these reasons, I am satisfied that the provisions of the bill do not limit the rights to privacy and reputation under section 13 of the charter.

Amendment of the seriousness threshold in the PDP act and HR act

The bill also amends the PDP act and the HR act to remove imminence from the 'serious and imminent threat' threshold for using or disclosing personal or health information in those acts. Amending these acts to remove imminence may result in increased interference with privacy as it lowers the threshold for sharing information.

The requirement that a serious threat must be imminent before information can be used or disclosed without consent has been identified as problematic by a number of reviews and reports, and the Australian Privacy Principles have since been amended to remove the 'imminence' requirement from the equivalent exception. Further, evidence heard by the Victorian Royal Commission into Family Violence suggested that the threshold is unreasonably high, and the concept of 'imminence' is uncertain, making it difficult to establish and resulting in overcautious practices which may potentially put, in that context, victims at risk.

ISEs that are authorised to share information under the regime established by the bill may also be required in other instances to apply the PDP act and the HR act. Therefore, the test for displacing consent should be consistent.

I am satisfied that any interference with a person's privacy that occurs will therefore be permitted by law. I am similarly satisfied that any interference with a person's reputation that may occur through the sharing of information pursuant to the regime will be lawful.

Further, the provisions are not arbitrary as they are for legitimate purposes that are relevant to and necessary for the proper operation of the information-sharing regime. While one part of the criteria for releasing information has been removed, the requirement that a threat must be serious remains. Consequently, lawful, prescribed criteria must still be followed prior to any release of information occurring. Accordingly, I am satisfied that the removal of the imminence requirement does not limit the rights to privacy and reputation under section 13 of the charter.

Presumption of innocence

A number of provisions in the bill engage the right to be presumed innocent in section 25(1) of the charter. This right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that he or she is not guilty of an offence.

First, the offence provisions in sections 144R and 144RA in division 9 of new part 5A, which are included to protect against inadvertent, as well as reckless or intentional unauthorised use and disclosure of confidential information, contain defences that impose a legal burden on an accused. Those defences provide that it is a defence to a charge for the person charged to prove that the use or disclosure of the confidential information was done in good faith and with reasonable care.

Further, the bill inserts new sections 208A and 208B to impose accessorial criminal liability to agents or officers of bodies corporate that commit the offences in new sections 144R and 144RA of the principal act. However, an officer of a body corporate may also rely on the defences in those provisions, bearing the same burden of proof. As discussed above, because these defences require the accused to prove that the unauthorised use or disclosure was done in good faith and with reasonable care, to a limited extent they shift the burden of proof onto the accused.

Although these provisions transfer, to a limited extent, a burden of proof onto an accused, I am nevertheless of the view that the imposition of a legal burden to rely on these defences is compatible with the right to presumption of innocence in section 25(1) of the charter, as any limits on the right will be reasonably justified under section 7(2) of the charter.

In particular, I note that these defences are available for the benefit of an accused to escape liability where they have taken reasonable steps to ensure compliance, in respect of what could otherwise be an absolute or strict liability offence. Having regard to the highly sensitive character of the information that will be permitted to be shared in accordance with the bill, and the prescriptive nature of the regime, it is considered appropriate to impose a substantial threshold that must be met in order to avoid conviction for non-compliance with the regime to ensure the offences act as sufficient deterrence.

In the case of officers of a body corporate, the offences will only apply to officers that have a specific role and possess significant authority and influence over the body corporate. Moreover, whether a person or an officer of a body corporate has acted in good faith and with reasonable care, notwithstanding the fact they have disclosed information beyond what is authorised by the bill, is a matter peculiarly within the knowledge of that person. Such persons are best placed to prove whether they acted in good faith and exercised reasonable care. Conversely, it would be very difficult for the prosecution to prove the matter in the negative.

Accordingly, I am satisfied that the limitation of the presumption of innocence occasioned by these defences is demonstrably justified in accordance with section 7(2) of the bill.

Protection of families and children

By creating a specific family violence information-sharing regime to maximise the safety of children and adults from family violence, and to hold perpetrators of family violence accountable for their actions, the bill promotes the right in section 17 of the charter. Section 17 provides that families are entitled to be protected by society and the state, and that every child has the right to such protection as is in their best interests and is needed by them by reason of being a child.

To assist in promoting the rights of the child under section 17, section 144J establishes clear principles to be used in relation to the collection, use or disclosure of confidential information that relates to children in order to assess any risk to the safety of the child from family violence, or to protect the child from family violence. The principles state that information-sharing entities should:

> promote the agency of the child and other family members at risk of family violence by ensuring their wishes are taken into account, while having regard to the appropriateness of doing so and the child's age and maturity; and
>
> take all reasonable steps to ensure that, where confidential information includes confidential information about other family members at risk of family violence, the collection, use and disclosure is done in a way that plans for the safety of those family members at risk of family violence, and recognises the desirability to promote and preserve family relationships.

However, if a person who an ISE reasonably believes may commit family violence (i.e. a person of concern) is a child, or an alleged person of concern is a child, the bill may also affect the rights of those children. Where a child is either a person of concern or an alleged person of concern, their information will be handled in the same way under the bill as information about an adult who is a person of concern or alleged person of concern. As such, the bill may result in the disclosure of information about a child that is not in that child's best interests, but is relevant to the assessment or management of a risk of family violence to a primary person. There is a risk that having the information-sharing regime applied to them in this way may limit the rights of children who are persons of concern or alleged persons of concern to protection in their best interests and potentially results in harm to those children through labelling or stigmatisation.

Nevertheless, the right in section 17(2) of the charter is not absolute and may be subject to limits prescribed by law which are reasonable and demonstrably justified in a free and democratic society. I am satisfied that any limitation on a child's best interests occasioned by the general application of the bill to both adult and child persons of concern is demonstrably justified in accordance with section 7(2). In particular, the regime serves an important purpose of establishing consistent practices and facilitating information sharing for the purpose of preventing and decreasing instances of family violence. Further, it is relevant to note that for an ISE to determine that a child meets the definition of a person of concern or an alleged person of concern does not amount to a finding of criminal guilt against that child; rather it simply enlivens certain powers to share information with the purposes of maximise the safety of primary persons, including other children, from family violence.

Freedom of expression

The right to receive and impart information and ideas under section 15(2) of the charter has been held to create a positive obligation on government to give access to government-held documents. This right is, however, not absolute and is subject to justifiable exceptions for objective, proportionate and reasonable purposes.

The right in section 15 is relevant to the provisions of the bill which amend the Freedom of Information Act 1982 (the 'FOI act'). In particular, part 5 of the bill inserts a new exemption into section 33 of the FOI act that will require an agency under the FOl act that is also an ISE to refuse to grant access to information relating to the personal affairs of an FOI applicant, if the FOI application relates to information about a person in their capacity as a person of concern or alleged person of concern.

In my opinion, this exemption is an appropriately circumscribed limit on a person of concern's right to access their own information under the FOI act, in circumstances where granting access would result in increased risk to a primary person's safety. I am satisfied that the inclusion of this exemption strikes the appropriate balance, having regard to the potential risk to a victim that may occur through the disclosure of information that meets this threshold, in circumstances where the agency or minister cannot control what the person does with the information once released under FOI to a person of concern or alleged person of concern. I consider that this is an appropriate and justified circumstance in which a person of concern's or alleged person of concern's right to access information in this way should be overridden. In reaching this conclusion, I have taken into account that, to the extent that a person of concern may require their own personal information held by an agency or a minister for the purposes of legal proceedings, they can access relevant information through other mechanisms that are subject to the supervision of courts, such as through pre-trial disclosure or under subpoena.

For these reasons, I am satisfied that the amendments to the FOI act contained in the bill are compatible with the right in section 15 of the charter.

Establishment of the central information point

Privacy and freedom of expression

The bill authorises the CIP to collect and disclose information about primary persons, persons of concern (including alleged persons of concern) and linked persons. In particular, under the bill certain ISEs may request information from the CIP, the CIP may transmit that request to other ISEs, and the CIP may collate and transmit the information provided by those ISEs to the requesting CIP. To allow flexibility, ISEs that are permitted to request CIP information known as 'CIP requestor' will be identified by ministerial declaration.

Under the bill, the CIP is not itself an ISE. However, in order to fulfil its functions, the CIP has the power to request, collect, use, disclose and store information in relation to certain specified purposes, namely responding to a CIP request, providing a 'CIP requestor' with new or updated information, and otherwise performing any of its obligations under new part 5A. The CIP will work with 'CIP data custodians', which may be representatives from multiple government departments, each of which will be a prescribed ISE under the new regime. The bill authorises data custodians to disclose information to the CIP and to other CIP data custodians.

When requesting information from the CIP, the CIP requestor may only request information from the CIP for the purposes that they are otherwise authorised to request information under the scheme (as outlined above). As such, for the reasons outlined above, I am satisfied that any interference with the privacy of persons whose information is handled by the CIP will be both lawful and not arbitrary.

However, under the bill, the information held by the CIP and regulated under division 5A of new part 5A is subject to greater restrictions in relation to persons accessing information pursuant to the FOI act, the PDP act or the HR act, than is the case for information shared between ISEs under the wider information-sharing scheme under part 5A for a family violence assessment or protection purpose. In particular, under the bill, the CIP is prohibited from allowing individuals to access information it holds about them. This is to protect against the risk of the CIP not having the appropriate expertise and knowledge to make a decision about whether allowing a person of concern with access to, or the ability to correct, their personal or health information would increase the risk to the safety of a primary person or a person of concern.

I am satisfied that this is an appropriate safety measure in the circumstances, and note that individuals will still have the right to access information held by the CIP data custodians as well as information held by the CIP requestor who received the CIP information. Further, noting that the FOI act covers information that is broader than just personal information, the bill states that the FOI act does not apply to documents in the possession of the CIP, to the extent to which the document discloses confidential information about a primary person, person of concern, alleged person of concern or a linked person. All other documents in the possession of the CIP will be capable of being obtained under the FOI act unless another existing exemption applies.

For these reasons, I am satisfied that the provisions in the bill relating to the establishment of the CIP will not unlawfully nor arbitrarily interfere with a person's privacy. For the same reasons, I am satisfied that any limit to a person's right to receive and impart information (through restricting access under other legislation in the limited way described above), as protected under section 15(2) of the charter, will be demonstrably justified.

The Hon. Martin Pakula, MP
Attorney-General

Second reading

Mr PAKULA (Attorney-General) — I move:

That this bill be now read a second time.

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

Introduction

In announcing Australia's first Royal Commission into Family Violence in March 2015, the Premier, the Honourable Daniel Andrews, MP, stated that family violence is 'the most urgent law and order emergency occurring in our state and the most unspeakable crime unfolding across our nation'.

This statement emphasised the commitment of this government to prevent family violence, increase the focus on early intervention and make perpetrators accountable for their actions. The royal commission was tasked with investigating and reporting on how Victoria's response to family violence could be improved, including ways in which government and

non-government agencies can better integrate and coordinate their efforts.

This bill is part of a package of reforms to implement all 227 recommendations of the royal commission and forms an essential part of Victoria's 10-year plan for ending family violence.

The reforms to be introduced through this bill will strengthen system-wide family violence risk assessment and management to help keep victims safe. The reforms will support earlier intervention and ensure consistency of approaches to support victims. Importantly, they will also allow greater access to relevant information to better protect victims and hold perpetrators to account.

These changes build on a strong history of reforms to address family violence, including the Crimes (Family Violence) Act 1987 which introduced civil intervention orders. This act was later superseded in 2008 by the Family Violence Protection Act 2008, which provided an enhanced intervention orders scheme and a broader definition of family violence and family-like relationships.

In introducing the Family Violence Protection Bill in 2008, the former Attorney-General, Mr Rob Hulls described family violence 'as a scourge on our community'. This has been repeatedly, poignantly highlighted by evidence provided to a range of reviews and inquiries, including by Rosie Batty. The inquest into the death of Rosie's son, Luke Geoffrey Batty, who was killed by his father on 14 February 2014, gave insight into a fragmented system, which failed to provide consistency in identification, assessment and management of family violence risk, or effective information sharing that might have helped in identifying and managing that risk.

The royal commission recognised the efforts of Rosie Batty in her campaign against family violence and endorsed the findings from the inquest, including that all agencies that respond to family violence should be better supported to undertake family violence risk assessments.

The royal commission acknowledged the strong foundations built in Victoria over the previous 10 years, including through the Family Violence Protection Act 2008 and the family violence risk assessment and risk management framework, also known as the common risk assessment framework or CRAF. These initiatives have been instrumental in building a shared understanding of family violence and helping people working with victims and perpetrators to understand their roles and responsibilities.

At the same time the royal commission identified key gaps that need to be addressed through a redeveloped framework by the end of 2017. These included introducing specific risk indicators for children and victims of non-intimate partner violence, and additional risk management strategies that placed more focus on the perpetrator.

The royal commission also identified barriers to information sharing that needed to be addressed to enable more effective risk assessment and risk management, particularly so that agencies can share relevant information about perpetrators as needed to keep victims safe.

The Family Violence Protection Amendment (Information Sharing) Bill 2017 implements recommendations 2 and 5 and facilitates the implementation of recommendation 7 of the royal commission. It amends:

1. the Family Violence Protection Act 2008 to include:

    (a) a new part 5A to:

        (i) create a purpose-built family violence information-sharing regime, removing legislative barriers to sharing relevant information and authorising a 'trusted circle' of agencies to share information relevant to family violence risk assessment and management

        (ii) enable the central information point to be an effective and timely conduit of information sharing for core agencies, such as the proposed support and safety hubs.

    (b) a new part 11 to require alignment by key organisations and funded agencies with the redeveloped family violence risk assessment and risk management framework so that they can better identify, assess and manage family violence risk.

2. the Privacy and Data Protection Act 2014 and the Health Records Act 2001 (privacy laws) to remove the requirement that a serious threat to an individual's life, health, safety or welfare must also be imminent before information can be lawfully shared, thereby removing interpretive uncertainty and allowing for more proactive sharing and intervention where a serious threat already exists. These amendments will apply generally, not just in the context of family violence.

Family violence information-sharing regime

One of the key findings of the royal commission was that there are significant legislative barriers to effective information sharing. Current laws are complicated, confusing and restrictive for those who work with victims and perpetrators. In particular, a lack of information sharing about perpetrators was found to be a key gap in the system that leaves victims vulnerable.

This bill squarely addresses this gap. It establishes a specific family violence information-sharing regime that prioritises victim safety over a perpetrator's right to privacy. The regime provides a clear authority for organisations responding to family violence to share relevant information as needed for family violence risk assessment and management, cutting through current complexity.

What information can be shared

The bill provides that information can be shared about perpetrators, victims and relevant third parties if the information is relevant for two key purposes:

to identify and assess risk to a victim of family violence, referred to in the bill as a family violence assessment purpose (for example, information about whether the perpetrator has a violent criminal history)

to manage the risk to a victim of family violence, referred to in the bill as a family violence protection purpose (for example, information about the perpetrator being released on parole).

Victims and perpetrators are defined broadly (victims as those at risk of being subjected to family violence, and perpetrators are those that risk committing family violence) to enable information sharing in the early stages of intervention, prior to the family's engagement with the justice system.

The bill covers the sharing of confidential information, which is defined to include any health or personal information (including sensitive information such as criminal record) as set out in privacy laws. This broad definition of confidential information has been adopted to ensure that a wide variety of information can be shared if it is relevant to assess the risk of family violence and secure victim safety.

Who can share information

The bill allows for the prescription of information-sharing entities by regulation. They may be prescribed as a risk assessment entity, protection entity or otherwise be prescribed to share relevant information with an assessment entity or protection entity.

Risk assessment entities will be a smaller group of information-sharing entities that have the ability to share information for a family violence risk assessment purpose. These entities will have broader powers to gather information at the initial stages to establish and assess family violence risks including where an allegation of family violence has been made. Importantly, risk assessment entities will not need to be satisfied prior to assessment that a specific or identifiable risk exists — this is the very purpose of the assessment. Once family violence risk has been established, a larger group known as protection entities will be permitted to share relevant information that they reasonably believe to be necessary to manage that risk.

The royal commission recommended that the organisations that are part of the regime be prescribed by regulation to ensure that they are easily identifiable, can be added or removed as necessary and that sharing is limited to a discrete number of organisations.

When can information be shared

The bill provides that information-sharing entities can share information both on a voluntary basis and on an obligatory basis in response to requests from other entities. The obligation to share information is a critical aspect of the bill aimed at shifting the current risk-averse culture in relation to information sharing.

Consent in relation to perpetrator information

Information about perpetrators can be shared without their consent. This is a key element of the reform proposed by this bill. As many would be aware, privacy laws currently restrict the use of personal information to the purposes for which it was collected with some limited exceptions (for example, with consent, or when there is a serious and imminent threat to an individual's life, health, safety or welfare). This has led to key information about perpetrators not being shared at all or only when the risk to a victim becomes both serious and imminent, thus inhibiting effective early intervention. The bill reverses this privacy paradigm so that the safety of victims overrides the privacy of perpetrators where necessary. The bill also amends the 'serious and imminent threat' thresholds in privacy laws so that a threat need only be 'serious' before the relevant threshold applies.

Consent of adult victims and any other third party when assessing risk and managing risk for an adult victim of family violence

While information about perpetrators of family violence will be able to be shared for family violence assessment purposes and protection purposes without their consent, information about adult victims of family violence and any other third party to manage a risk to the adult victim, is to be shared under the scheme with their consent unless sharing without consent is necessary to lessen or prevent a serious threat.

This ensures that privacy rights of adult victims and third parties are only displaced to the extent necessary. In relation to family violence victims, the royal commission considered that this was a key part of ensuring victim agency and confidence in the service system.

Importantly, nothing in this bill is intended to prevent information-sharing entities from being able to collect, use and disclose personal and health information currently permitted under the other laws — for example, where information is used or disclosed consistently with the purpose of collection.

Consent when assessing risk and managing risk for a child victim of family violence

Children can often be the invisible victims of family violence. The bill recognises children as primary victims (rather than adjuncts to the parent victim).

The bill authorises, when assessing and managing risk for a child victim of family violence, the sharing of information without consent from any person (including the child or a parent who is also a victim). This approach makes clear that a child's right to be safe from family violence takes precedence over any individual's rights to privacy so that all risk-relevant information is able to be shared. It also enables information sharing without requiring that a threat escalate to the point that it is 'serious'. Crucially, this will support earlier intervention, as it will ensure that an aggregate picture of risk can be formed, prior to a specified risk threshold being met.

This approach differs from the royal commission's model, which would have required parent victim consent to sharing personal information about them and their child.

The government recognises that victims of family violence go to extraordinary lengths to protect their children and many have carried the burden of managing this risk for years. In some cases, the effect of the violence upon the adult victim parent is such that requiring their consent can present a barrier to the sharing of critical information necessary to assessing and managing risk for the child. In order to ensure simplicity and to avoid missing critical information that would result in diminished safety outcomes for children, the bill therefore authorises the sharing of personal information about the parent who is a victim (and anyone else) without consent where the information is relevant to protecting the safety of a child.

For similar reasons, the child victim's consent is also not required, as this would be complex in practice, involving consideration of a range of factors such as the age and maturity of child.

While the bill permits information sharing without consent to protect child victims of family violence, it includes specific principles to guide responsible information sharing for this purpose. These principles expressly state that information

sharing must be limited and proportionate to what is necessary to assess or manage family violence risk, and where children are involved, that information-sharing entities should promote the agency of the child and other family members at risk of family violence and take their wishes into account.

It is the government's intention that practitioners will apply these principles so that consistent with best practice, parent victim and child victim consent is sought wherever appropriate. In addition, all information-sharing entities will be subject to the requirements of privacy laws, which require organisations to take reasonable steps to ensure all victims are informed of certain things including how their information may be used or disclosed, allowing victims (including children) to continue to make informed decisions about service engagement. The responsible minister will also issue guidelines that information-sharing entities must comply with to ensure information is handled in a responsible and appropriate manner. It is government's expectation that information-sharing entities will only be prescribed once they are trained and have the requisite skills and capacity to share in ways that are compliant with the regime.

Excluded information

The bill sets out categories of information that are excluded from being able to be shared, as a safeguard against inappropriate sharing. Excluded information includes information that would endanger a person's life or result in physical injury, would prejudice the investigation of a crime or the fair trial of a person, or that would contravene a court order.

Protections and oversight

To further guard against misuse of the regime, the bill creates two offences — one for unauthorised use and disclosure of confidential information and one for intentional or reckless unauthorised use and disclosure of confidential information.

As recommended by the royal commission, the bill includes a protection for individuals who have shared information in good faith and with reasonable care. This is an important aspect of changing the culture of reluctance to share by ensuring that workers are not exposed to liability for sharing where they have done so in good faith and taken reasonable care. The bill also provides that when information is shared in good faith and with reasonable care, it is not a breach of professional ethics or unprofessional conduct.

An individual will be able to make a complaint to the commissioner for privacy and data protection or the health complaints commissioner if their privacy is unlawfully interfered with under the regime. The commissioner for privacy and data protection and the health complaints commissioner will continue to exercise their existing powers to investigate and issue compliance notices to information-sharing entities for serious or flagrant privacy breaches under the regime.

In line with the recommendations of the royal commission, there will also be a two and five-year review of the information-sharing regime.

Central information point

The royal commission recommended the establishment of a central information point as a key enabler for effective and timely information sharing. The royal commission's vision was of co-located agencies accessing their respective data systems (such as Victoria Police and Corrections, which are key holders of perpetrator data) and providing timely responses to risk assessment entities such as the proposed support and safety hubs. The bill enables the central information point by removing privacy barriers to the central information point's ability to respond to requests. in particular, the bill provides that the central information point will be able to receive requests for confidential information from information-sharing entities, transmit those requests to other information-sharing entities, and provide a collated response back to the requesting information-sharing entity. To allow flexibility, the bill provides that entities permitted to request information from the central information point will be identified by ministerial declaration.

Victorian family violence risk assessment and risk management framework

The bill implements recommendation 2 of the royal commission's report by providing a statutory basis for the Victorian family violence risk assessment and risk management framework (the framework).

The current framework or CRAF was introduced in 2007 as a key element in establishing an integrated response to family violence across the service system. While noting its positive impact, the royal commission found that the framework needs to be improved, understood by all relevant service providers and applied consistently to ensure coordinated risk assessment and risk management throughout the system.

To that end, the royal commission recommended that the government review and redevelop the framework so it is comprehensive and sets minimum standards and roles and responsibilities for screening, risk assessment, risk management, information sharing and referral throughout Victorian agencies. This work is underway, and I will return to it below.

The royal commission also identified the need for a stronger authorising environment to ensure that relevant agencies align with the framework. The royal commission recommended that this should be achieved by amending the Family Violence Protection Act 2008 to empower the relevant minister to approve a framework, and require prescribed organisations and agencies contracted by the Victorian government to align their policies, procedures, practices and tools with it.

This bill delivers that recommendation by inserting a new part 11 into the Family Violence Protection Act 2008 entitled 'Family violence risk assessment and risk management' that will:

empower the relevant minister to approve a framework;

require framework organisations, prescribed by the minister, to align their policies, procedures, practice guidance and tools with the approved framework;

require government bodies to include alignment with the framework as a condition in future contracts or agreements for services that are relevant to family violence risk assessment or risk management;

provide for the relevant minister to table an annual report in Parliament on prescribed matters relating to the implementation and operation of the framework;

require review of the framework at five-yearly intervals to ensure it retains its currency as best practice.

The bill does not include any penalties for failing to align with the framework, nor is the new part intended to create any new legal rights or civil causes of action. This recognises that alignment with the framework will require organisational and workforce cultural and practice change, and allows sectors to focus their time and efforts on achieving this change rather than new compliance activities. The bill also requires a review of the new part to be undertaken within five years of its commencement to assess whether it is achieving its objectives.

Redevelopment of the framework

As I have noted, the royal commission recommended a review and redevelopment of the framework be undertaken by the end of 2017. The new framework and supporting materials will provide a fit-for-purpose suite of risk assessment tools, clear minimum standards, roles and responsibilities, and comprehensive practice guidance to improve risk assessment and management practice across the system.

Family violence risk assessment and management provides a way of talking about family violence risk with a person, who may never have understood their experience as family violence, or what the behaviour meant in terms of their level of danger. It provides the practitioner with a framework to guide appropriate action, and clear understanding of the roles and responsibilities of other parts of the system to coordinate and implement safety and accountability planning.

Alignment with different sectors' practice and operational guidance

The framework will not replace all sectors' core practice in risk or needs assessment, or any other operational requirements, but rather will support all parts of the system to understand their role in identifying and responding to family violence. This includes availability of accessible information in identifying family violence risk, knowledge of where to seek secondary consultation, and how to respond to perpetrators.

For example, one of the gaps in the framework highlighted by the royal commission was effective identification of the separate and unique effects of family violence on children. New tools and practice responses developed through the framework will reflect the risk of cumulative harm emphasising the child's age and stage of development when assessing risk. The new framework will draw from and provide clear links to specialist resources such as the Victorian best interests case practice model, which will also align to the new framework.

Building capability essential to effective implementation

The development of the new framework will include consultation with all sectors and workforces that will be affected. Analysis of sector readiness, workforce status, and current practice tools and operational guidance will inform the separate strategies for each sector to meet their obligations in aligning with the new framework.

It is important to note that this is enabling legislation. The requirement to align with the framework will not take effect for specific organisations until the framework review is completed, the minister approves a framework, and organisations are prescribed or, in the case of service providers, relevant agreements are entered into. This will ensure that there is sufficient lead time to support organisations to align with the framework prior to any formal obligations taking effect.

The development of the new framework will also be accompanied by a range of other system reforms such as building the required workforce through the 10-year industry plan, operationalising the central information point, and building evidence-based perpetrator interventions, such as through the work overseen by the expert perpetrator panel.

Changes to Privacy and Data Protection Act 2014 and Health Records Act 2001

As noted above, the bill includes amendments to the 'serious and imminent threat' thresholds in privacy laws, so that information can be used or disclosed under those acts where necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare, without having to wait until that threat also becomes imminent. Currently, these privacy laws allow personal and health information to be shared without consent where there is a serious and imminent threat to the life, health, safety or wellbeing of any person.

The inclusion of imminence in the exception threshold has been identified as problematic by a number of reviews and reports and it has been removed from the Australian Privacy Principles. The threshold that a serious threat be imminent before information can be shared has been considered unreasonably high as well as difficult to establish in practice. The bill therefore includes amendments to privacy laws to remove 'imminence'. This means that information can be shared without consent, including but not limited to a family violence situation, where necessary to lessen or prevent a serious threat to the life, health, safety or welfare of any person.

Conclusion

This bill establishes a clear authorisation for information sharing by those responding to family violence in Victoria and a statutory requirement to align to the framework. In doing so, the bill will facilitate greater collaboration by organisations to keep perpetrators visible and accountable, ensure victim safety is given primacy over perpetrator privacy and enable organisations to form a comprehensive and consistent view of risk in safeguarding those experiencing family violence.

This bill forms one part of the government's comprehensive commitment to address family violence in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr PESUTTO (Hawthorn).

Debate adjourned until Thursday, 6 April.

DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS AMENDMENT BILL 2017

Second reading

Debate resumed from 9 March; motion of Ms NEVILLE (Minister for Police).

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

Mr CLARK (Box Hill) — This is a bill that seeks to amend the law relating to illicit drugs in three main areas. The first is to lower various commercial trafficking quantities for the drug methamphetamine, often known as ice, the second is to introduce a new range of provisions relating to synthetic drugs and the third is to facilitate opioid substitution therapy in police jails. It is a bill that the opposition parties broadly support.

Our main grievance about this bill is that it has been so long in coming to the Parliament. The measure about lowering the various quantities of drugs in relation to commercial trafficking is a measure that was announced by the then Napthine government back in 2014, and it has taken the government well over two years to get this measure to the house. It is an important measure because it strengthens the attack on those who engage in the trafficking of illicit drugs, and lowering the quantities that trigger commercial and large commercial qualities means the greater penalties that are attached to those offences apply at a lower level of drug consumption. We believe that is an important measure. It should have been done two years ago. It was a measure that was committed to, as I said, under the previous Napthine government, and it has taken the current government more than two years to get it to the house.

I would add that it was only one of three measures that were announced by the then Napthine government in November 2014. The other two are measures that the current government still has not taken up. Those are measures that are set out in a media release that I issued on 11 November 2014 announcing on behalf of the coalition that we would introduce three new law enforcement measures to help tackle the scourge of ice, including, and I quote:

> giving Victoria Police the power to test persons for illicit drugs when they have been arrested for an indictable offence and are suspected of being under the influence of an illegal drug;
>
> mandatory drug screening for offenders on community correction orders (CCO) for offences involving ice;

So when the government is scratching around looking for some law and order measures to bring to the house, a field in which it has been singularly lacking in initiative since coming to office, there are these two. They have already been developed and were identified and announced under the previous coalition government. The Attorney-General is welcome, and indeed we encourage him — and if he is not prepared to do it, then the Minister for Police — to pick up on those measures and bring them to the Parliament.

The other aspect of the bill, which again was well advanced in terms of addressing this issue during the time of the previous government, is that relating to tackling psychoactive substances. The problem in relation to that can be stated very easily. The current laws by and large in relation to synthetic drugs are based upon a reference to a particular chemical description that is set out in the Drugs, Poisons and Controlled Substances Act 1981. When a synthetic drug has been pushed on the market, the identified chemical underlying the drug can then be specified in the act and that drug can be prohibited.

The trouble with that is that the manufacturers of these synthetic drugs are constantly changing the formula to avoid what has been specified in the legislation, and they come up with new concoctions to peddle to those who are vulnerable to them. Until that new concoction can be analysed and its chemical formula identified and specified in the legislation, it is not illegal to peddle that synthetic drug. It has been clear for a long time that action is needed to tackle that problem.

That was an issue that was well underway during the term of the previous government in work that had been commissioned by the then Minister for Police and Emergency Services, the honourable member for Rowville, and discussions were being undertaken with the federal government about an agreement on a national approach. Indeed it was a subject that was considered at state and territory attorneys-general meetings on a number of occasions. It was discussed at other councils of attorneys-general, and yet despite all the work that was underway that identified the problem and that agreed on the broad approach to the solution, again we are more than two years down the track before this government has brought any measures along those lines to this Parliament.

Unfortunately it is yet another demonstration of the fact that this government has been asleep at the wheel when it comes to law and order for the last two-and-a-half years. They have also been riven by a commitment to a soft-on-crime approach that is characterised by many of their members. It was also characterised by the former Attorney-General, Rob Hulls. Through that combination of lethargy, neglect and a policy commitment to a soft-on-crime approach they have failed to have the response that we need to tackle Victoria's law and order crisis. Unfortunately Victorians are paying a very high price indeed for that inaction. Indeed one only need look at figures on drug offences that were — —

The ACTING SPEAKER (**Ms Thomson**) — The time has come for me to interrupt business under sessional orders for questions without notice and ministers statements.

Business interrupted under sessional orders.

LONDON ATTACK

Mr ANDREWS (Premier) (*By leave*) — I rise to express on behalf of every member of this place and indeed the broader Victorian community our heartfelt condolences to the people of the United Kingdom.

We know that just after 2.30 p.m., London time, the most appalling attack occurred in the heart of that great city, and although the details of these events will continue to unfold in the hours, days and weeks to come, we know so far that five people have lost their lives. Many more remain critically injured. To their families and to their loved ones we send our thoughts, our prayers, our best wishes and our love. To the people of the United Kingdom more broadly we send our unyielding solidarity.

This morning I spoke with the Chief Commissioner of Police and was briefed by him on this incident and its implications for Victoria. I can inform every member of the house and the community that every effort is being made by Victoria Police and our partners at a national and international level to keep Victorians safe, including arrangements for security across our city and state and, as you updated the house earlier today, Speaker, here at Parliament.

As the British Prime Minister has said, the location of this tragedy was no accident. This was an act designed to intimidate and to undermine the very values that the Palace of Westminster and the Houses of Parliament in Westminster stand for — democracy, freedom and fairness.

But of course terror will not win. This act will not intimidate the people of the United Kingdom. This act will not divide them. For people everywhere across the world who steadfastly believe in democracy and freedom, our commitment will not be weakened by this act of evil. Here in a place that is founded on so many of the traditions established at Westminster we stand in unity with the people of the United Kingdom. Today's events were an attack on the very heart of our democracy, not just in the United Kingdom but also in democracies across the world.

Finally, the chief commissioner has again confirmed for me that arrangements will be put in place, as was expected in any event given how busy this weekend will be with the return of football, the grand prix and other events right across Melbourne and the state. We can all have great confidence that each and every woman and man of Victoria Police and their partners is the very best and is well equipped to fight crime, to keep us safe and to do their jobs.

Mr GUY (Leader of the Opposition) (*By leave*) — One year ago the world was shaken by the brutal murder of 32 people in a terrorist attack in Brussels. Today we stand here to mark yet another awful and chilling terror event, this time in the United Kingdom. With four people plus the suspect dead this morning, more families bereaved, more friends lost and more people injured — physically, mentally and emotionally — the world is sick of those who wield terror at those who seek peace, tolerance and freedom.

British Prime Minister Theresa May has described this attack as sick and depraved — and that it is. Here in Australia we again stand with the people of the world — in this case, Great Britain — who seek nothing more than peace and to live their lives in the absence of extremism.

Today's attack in London was at the heart of so many democracies around the world, ours included. The Palace of Westminster represents the foundations of Western liberal democracy. It signifies the rule of law, the rule of the will of the people and the drive for a state that represents everyone with shared values, equal rights and representations and common law.

Conservative MP and foreign office minister Tobias Ellwood is a hero. He lost his brother in the Bali bombings. Today he did all he could to save the life of a police officer at the front of the Palace of Westminster. Our hearts go out to the officer's bereaved family, but in the face of such a tragedy, our admiration and restoration in humanity comes through Mr Ellwood's actions today.

The manner of today's attack also brings chilling reminders for Melbourne, not in motive but in method. Our hearts go out to the people of London, one of the world's great cities, and to the families and friends of all impacted.

Can I just say that as freedom-loving people, from Australia to Great Britain, Europe, Asia, Africa and the Americas, the things that unite us will always be infinitely stronger than anyone or anything that seeks to divide us.

Mr WALSH (Murray Plains) (*By leave*) — I rise to join the Premier and the Leader of the Opposition on behalf of The Nationals to express my condolences to those who have lost their lives and those who have been critically injured in the attack at Westminster in England.

As was said on the news this morning, these attacks are used not only to kill and to maim but also to instil fear in the general public at the places where these attacks

take place. I think we all need to resist these sorts of attacks and act responsibly. I note the comments that you made, Speaker, and the comments that the Premier made about the Chief Commissioner of Police, the extra security that is in this place and the alert here in Melbourne with the events that will unfold over this weekend. It is very important that we set the example and make sure that we do not make this time more fearful than it should be for the general public, because that only means the terrorists win.

I support the comments that were made, and I particularly express our condolences to those people who were killed, those people who were injured and the British people, who have experienced a number of terrorist attacks now and will always have to be vigilant about further terrorist attacks.

The SPEAKER — Order! I ask the house to pause for a minute's silence. I ask all members to stand in their places.

Honourable members stood in their places.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Member for Melton

Mr GUY (Leader of the Opposition) — My question is to the Premier. The Audit Committee report confirms that the rorting member for Melton has claimed a small demountable home in a caravan park as his principal place of residence because, according to him, his St Kilda apartment was not spacious enough. Premier, there is now no doubt that the member for Melton has rorted the second residence allowance. Why are you still refusing to use your numbers on the floor of this Parliament to force him to pay the money back?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. I would direct the Leader of the Opposition to comments made by the President in the other place, who is in fact the chair of the Audit Committee, where he has made it very clear that in his judgement neither he nor the Privileges Committee nor the Premier of the day have the authority or the power to require such a repayment. That is what the President in the other place has said, plain and simple.

Supplementary question

Mr GUY (Leader of the Opposition) — The statutory declaration that members who seek the second residence allowance sign — in the member for Melton's case, seven times — states:

> And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act of Parliament … rendering persons making a false declaration punishable by wilful and corrupt perjury.

Premier, after reading the Audit Committee report, which shows wilful and corrupt rorting of the second residence allowance by the member for Melton, tell the people of Victoria: why should this man remain in Parliament with your support?

Honourable members interjecting.

The SPEAKER — Order! Members on my left will come to order.

Mr ANDREWS (Premier) — I again thank the Leader of the Opposition for his question. I would simply refer him to the fact that Victoria Police are in the process of evaluating the very matters that the Leader of the Opposition refers to, and they ought to be allowed to get on with that important work.

Ministers statements: penalty rates

Mr ANDREWS (Premier) — I rise to update the house on the impact of penalty rate cuts on Victorian workers. The Department of Treasury and Finance have had a very close look at the impact — —

Honourable members interjecting.

The SPEAKER — Order! I think today is a good day for us to reflect on the behaviour of this house, given the events overseas. I ask all members to bring the volume down in this chamber so we can hear people who are talking and what they are saying. I will not hesitate to remove members from the chamber. Members should consider themselves warned.

Mr ANDREWS — The Department of Treasury and Finance has had a very close look at the impact of the Fair Work Commission's decision to cut penalty rates in a number of selected industries, and they estimate that these cuts will affect some 88 000 Victorians, including 46 000 women and 22 000 workers in regional Victoria. It will directly affect them. Many of these people will be thousands of dollars worse off each year, every year, under the changes proposed and indeed supported by many in the public debate. These cuts will reduce the take-home pay of hardworking Victorians across our community, and some apparently support that. Some cheer on the federal government to make those sorts of changes.

There is one place in this state, further analysis shows —

Mr Pesutto interjected.

The SPEAKER — Order! The member for Hawthorn!

Mr ANDREWS — that will be hit hardest. In the electorate of South-West Coast we estimate that 1156 workers will have their pay cut, and the local member backs these cuts — every day of the week and double time on Sundays. She thinks it is the best thing ever. Her community, no doubt, will judge her for her commitment to 'better productivity' and cutting the take-home pay of her constituents.

Honourable members interjecting.

Mr ANDREWS — We stand opposed to these cutbacks. Perhaps the member for Bulleen should reflect on the 1100 people in his electorate that will have a cut to their take-home pay instead of — —

The SPEAKER — Time!

Member for Tarneit

Mr GUY (Leader of the Opposition) — My question is again to the Premier. The Audit Committee report found that a review of electricity bills indicating minimal usage, driver logs and fringe benefits tax declarations at the member for Tarneit's alleged primary residence proved he never lived there and shows that, beyond doubt, the member for Tarneit was rorting the second residence allowance. Premier, why are you still protecting this man? Why will you not sack him from the Labor Party or, better still, get rid of this man from the Parliament altogether?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question, and I also thank the Audit Committee for the report they have provided. We will consider that in detail. I can say to the Leader of the Opposition it will directly influence and directly inform the review of all entitlements that the Special Minister of State is conducting.

What is more, Speaker, the report today clearly indicates that the forensic audit of every single MP who claims the second residence allowance will be available in just a few weeks time, and I can assure you and the Leader of the Opposition, all members and indeed all Victorians that that audit will also directly influence and inform the work that the Special Minister of State is doing. These rules need to change, and under this government they will change. They will profoundly change.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, you will not sack him, you will not send him to the Privileges Committee, you do not want the Victorian Electoral Commission to look into his electoral enrolment, you will not get the police to investigate him and, bizarrely, you want to keep him in Parliament and you are defending his rorting behaviour. Premier, by protecting your crooked Labor mate, are you and your Labor government not now complicit in the rorting of the member for Tarneit?

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook will come to order.

Mr ANDREWS (Premier) — There were many, many allegations made in the Leader of the Opposition's question. I reject them as usual. And, what is more, the answer to the question is no.

Ministers statements: penalty rates

Mr PALLAS (Treasurer) — It gives me great pleasure to rise to speak about the impact of the Fair Work Commission decision on Sunday penalty rates on Victorian workers and the Victorian economy. This decision comes against — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Hawthorn

The SPEAKER — Order! The member for Hawthorn will leave the chamber for the period of 1 hour.

Honourable member for Hawthorn withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: penalty rates

Questions and statements resumed.

Mr PALLAS (Treasurer) — This decision comes against a backdrop of annual wage growth of 1.9 per cent, which is barely keeping pace with inflation in Victoria. It also comes as Australia broadly is seeing some very low employment growth, with a notable

exception of course being Victoria, which has seen 97 000 jobs — 97 300 jobs, in fact — in the past year while the rest of Australia, the rest of the country, has created 7300 jobs in total. Yet those opposite and of course their bumbling Canberra masters have cheered on the recent decision of the Fair Work Commission to further cut the take-home pay — —

Mr Clark — On a point of order, Speaker, the minister is now departing from sessional orders. He is departing from advising the house on matters and proceeding to debate matters. I ask you to bring him back to compliance with sessional orders.

The SPEAKER — Order! The Treasurer to continue, and he will come back to a ministers statement.

Mr PALLAS — Victorian workers will be adversely affected by this. This will see a direct cut to the ability of tens of thousands of Victorian workers right across this state to put food on the table, to pay the bills and to keep a roof over their heads.

Estimates of the numbers of affected hospitality workers by electorate indicate, for example, that the member for Malvern could see around 950 workers in his electorate take a real pay cut, and the member for Box Hill could see 1050 similarly affected workers.

Mr Watt — On a point of order, Speaker, *Rulings from the Chair*, page 158, 'Ministers statements', says:

> Ministers statements must focus on government business.

The Treasurer seems to be focusing on a federal government report and the federal government. It is not within the remit of the Treasurer to focus on the federal government. He must focus on what the state government is doing about it. It is okay for the Treasurer to raise an issue with the federal government, but he must say what the state government is going to do to correct the problem. That is the purpose, and that is what I would ask you to get him to do.

Mr PALLAS — On the point of order, Speaker, the reference that I was directing the chamber to went directly to the impact upon Victorian workers and their capacity to participate in the Victorian economy.

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

Mr PALLAS — The Andrews government will fight for the right of every Victorian to receive fair pay for their work and also to receive fair compensation for time away from home, family and friends. This is — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Euroa

The SPEAKER — Order! The member for Euroa will leave the chamber for the period of 1 hour.

Honourable member for Euroa withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: penalty rates

Questions and statements resumed.

Mr PALLAS (Treasurer) — It is a basic right of every Victorian to get fair pay for a fair day's work.

Member conduct

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, can you guarantee that your rorting Labor MPs, the member for Tarneit and the member for Melton, were both correctly enrolled on the electoral roll at the 2014 election and that they were enrolled where they actually lived, not where they falsely purported to live, and as such that both remain eligible to hold their seats in the Victorian Parliament?

Mr ANDREWS (Premier) — The Leader of the Opposition asks about electoral enrolments. They are serious matters, and they are ultimately a matter for each elector and the Victorian Electoral Commission. There will be no interference; there will be nothing but support. If the electoral commission in this state seeks to make inquiries of any nature, it will be fully supported to do so.

Supplementary question

Mr GUY (Leader of the Opposition) — With the Audit Committee finding about the rorting member for Melton that:

> The location of the 'home base' appeared to have no longer term connection with the member and it is difficult to argue convincingly that he intended this to be a long-term/permanent principal residence.

Premier, is it not a fact that the member for Melton did not live where he was enrolled to vote at the 2014

election and, as such, the validity of him sitting in this chamber must now be the subject of legal investigation?

Mr ANDREWS (Premier) — Which is exactly what Victoria Police are doing.

Ministers statements: employment

Mr NOONAN (Minister for Industry and Employment) — Today I am absolutely delighted to talk about the growth of jobs in Victoria and how we are leading the nation in terms of jobs growth — more than 200 000 jobs added to the Victorian economy. We are leading the nation. It is clear that we are absolutely getting on with it and we are building the infrastructure that Victoria needs, but that is not all.

In the last quarter the hospitality, the tourism and the retail sectors have grown by more than 26 000 jobs — that is, 26 000 extra workers in the sector who are directly impacted by the cuts to penalty rates. We are talking about young workers, we are talking about women, we are talking about workers who are supplementing household incomes and we are talking about workers who are coming into the workforce for the first time. These are the workers working at the restaurants we go to, the retail outlets we go to. These businesses are open long hours, and these workers are working unsociable hours.

Labor will always stand up for penalty rates. We will stand up for the 88 000 Victorian workers who will be impacted by these cuts, and we will be standing up for the 46 000 women who will be impacted by these cuts here in Victoria and, as the Premier said, the 22 000 workers in regional Victoria who will be impacted by these cuts.

Those opposite will continue to support these cuts, letting these workers down. Now I hear — —

Mr Clark — On a point of order, Speaker, the minister is now departing from sessional orders. He is no longer advising the house about matters related to his portfolio. He is proceeding to debate matters. I ask you to bring him back to compliance with sessional orders.

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

Mr NOONAN — The Victorian government will stand up for these workers.

Honourable members interjecting.

Mr NOONAN — I hear people yelling out from Gippsland — I hear you yelling — but let me say that more than 1000 workers in the Latrobe Valley will be affected by these cuts to penalty rates. I do not hear the member for Morwell — —

Mr Northe — On a point of order, Speaker, the minister is misleading the house. The only job cuts in the Latrobe Valley are due to his government's policy setting — —

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

Mr NOONAN — Labor will stand up for these workers who will be severely impacted by these cuts. That is the Labor way. We have to fight for these workers because those opposite will stand by and let these workers suffer these cuts.

Member for Melton

Mr HODGETT (Croydon) — My question is to the Premier. Not content with rorting the second residence allowance, the member for Melton has previously offered what he claimed as his principal place of residence in Ballarat on the homestays couchsurfing.com website. Premier, can you guarantee that the rorting member for Melton has received no gain from offering his then principal place of residence as a location for couchsurfing.com? Was renting out his home like this consistent with claiming a second residence allowance?

Mr ANDREWS (Premier) — The Audit Committee report has been provided today. It will fully inform the review of all entitlements. As for the arrangements of the member for Melton, they are entirely a matter for him.

Supplementary question

Mr HODGETT (Croydon) — Premier, your rorting Labor MP, the member for Melton, has received glowing couchsurfing.com reviews such as:

> Was great to start my couch surfing experience with Jan and Don —

was the feedback from Terry Roche from New Zealand, and Pauline Neilson from Wanganui also stating:

> Both her and Don were right in the middle of election fever.

Premier, can you guarantee that the rorting member for Melton's caravan in Ocean Grove has not been rented out for financial gain on a website like couchsurfing.com or Airbnb at the time he was also

using his property to rort the second residence allowance?

Mr ANDREWS (Premier) — I thank the member for his question. As I have just indicated, the personal affairs of the member for Melton are a matter for him.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte.

Mr ANDREWS — What is more, Victoria Police are looking at these matters, as they are entitled to, and unlike others, there will not be any interference in those — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Kew

The SPEAKER — Order! The member for Kew will leave the chamber for the period of 1 hour for screaming across the chamber.

Honourable member for Kew withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Member for Melton

Questions and statements resumed.

Mr Clark — On a point of order, Speaker, on the question of relevance. This question went to what the Premier knew and was prepared to do about this matter. The references to Victoria Police are completely irrelevant. There is absolutely nothing to stop this house and this Premier acting on these matters while police investigations continue. The Premier should not hide behind the claim of police investigations to refuse to answer the question.

The SPEAKER — Order! The Premier was answering the question. The Premier, to continue.

Mr ANDREWS (Premier) — Speaker, I am asked to provide confirmation of certain things of which I have no knowledge. These are matters for the member for Melton, and that is the fact. Those opposite may not like that answer, but it is the only answer that I can possibly give, given that these are matters for the member for Melton. Beyond that, the police investigation will be allowed to run its course, as it should be.

Ministers statements: penalty rates

Ms HUTCHINS (Minister for Industrial Relations) — I rise to inform the house that I have written to the Fair Work Commission after they requested parties assist in designing transitional arrangements for penalty rate cuts.

There is no way to soften the blow when it comes to cutting the wages of the most vulnerable workers in this country. Despite the spin and the fiction by the Prime Minister of this country, and after some deliberations, I have decided to tell the Fair Work Commission that there are no transitional arrangements that can help those that will be affected in having their pay cut — those that work on Sundays, those that work on public holidays. There is no way of easing this in.

The commission have been advised by the Victorian government that we remain opposed to these penalty rate cuts. The position of this government is clear, and it should be supported by those opposite. The electorate of Kew has just over 1000 workers that will be affected by these cuts. The electorate for Burwood, we estimate, has over 950 workers that will be cut. But will they stand up for their constituents? Will they stand up to their mates in Canberra for retail workers, for hospitality workers — —

Mr Clark — On a point of order, Speaker, you have previously cautioned other ministers today about this. The minister is proceeding to debate the issue rather than comply with sessional orders and advise the house about matters. I ask you to bring her back to compliance with sessional orders.

The SPEAKER — Order! The minister did begin her statement in the correct fashion, but then strayed on to opposition members. I would ask the minister to come back to providing a ministers statement.

Ms HUTCHINS — The penalty rate cuts are simply wrong. When you compound them with the lowering of penalty rates in the context of some of the lowest wage rises we have seen, as was mentioned by the — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Ferntree Gully

The SPEAKER — Order! The member for Ferntree Gully will leave the chamber for the period of 1 hour. I remind members that I would like to be able to hear the minister and what she is saying.

Honourable member for Ferntree Gully withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: penalty rates

Questions and statements resumed.

Ms HUTCHINS (Minister for Industrial Relations) — We support no part of this process of cutting the wages of the most vulnerable in this state, those who are earning at the base rate who are going to lose a minimum $72 a week on average, and we may see more cuts.

When you compound that over a year, we are looking at thousands and thousands of dollars that these workers will not be able to use to live and to put back into the Victorian economy.

Country Fire Authority enterprise bargaining agreement

Mr GUY (Leader of the Opposition) — My question is again to the Premier. With long-serving former Labor Premiers Steve Bracks and John Brumby last week intervening in your war on Country Fire Authority volunteers, and with your government now preparing to sign an enterprise bargaining agreement, which is effectively what was proposed by the former minister, the member for Brunswick; Lucinda Nolan; and the board you sacked, Premier, will you finally admit that you were completely wrong and arrogant, and that your divisive war on the 60 000 volunteers and one of our state's most respected organisations has been for nothing?

Mr ANDREWS (Premier) — That little rant was for nothing because it is not based on any fact whatsoever. What a fitting way for the Leader of the Opposition to end his week. These matters are still the subject of Fair Work Commission proceedings. We will continue to invest in and support our firefighters, we will continue to invest to keep communities safe, and ranting and raving from the Leader of the Opposition will not change that.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, can you guarantee that there will be no changes to the existing boundaries, zones or disaggregation of the Country Fire Authority and the Metropolitan Fire Brigade in order to get this enterprise bargaining agreement approved by your mates at the United Firefighters Union?

Mr ANDREWS (Premier) — The government's preference is to reach agreement through the Fair Work Commission, and as for making harmful changes to our firefighting services, I will leave that to those opposite who, when they had the chance cut the budget, compromised safety in this state — be in no doubt about that — —

Mr Clark — On a point of order, Speaker, the Premier is debating the issue. It was a very straightforward question about boundary changes, and I ask you to bring him back to answering it.

The SPEAKER — Order! The Premier has concluded. On a further point of order.

Mr Clark — On a further point of order, Speaker, given that the Premier has failed absolutely to provide any answer to the question, I ask you to require him under sessional order 9(2) to provide a written response to the question.

The SPEAKER — Order! I will further consider that matter and report back to the house.

Ministers statements: TAFE funding

Mr MERLINO (Minister for Education) — I rise to update the house on our investment in TAFE and career pathways for those students. The Lilydale campus closed its doors in 2013, robbing young people of opportunities to continue their education and learn a profession. This sparked an unprecedented community-led campaign to return higher education and TAFE to the outer east. We invested $20 million and, as we promised, we reopened the Lilydale campus after the former Liberal government forced its closure through their cuts to TAFE.

I was delighted last year to join with students, teachers and the community at the start of term 1, 2016. I can now inform the house that there are well over 1000 students enrolled at Box Hill Institute's Lilydale Lakeside campus. It is Box Hill, in partnership with Deakin University and William Angliss Institute, which is now delivering a new era of outstanding education.

The William Angliss Institute in particular is training students with career aspirations, including tourism, hospitality and the events industry, something which is important in the Yarra Valley and the Dandenong Ranges. Those students will go to work in those industries, where they will work unsocial hours and where penalty rates are the norm.

We have heard Department of Treasury and Finance analysis of 88 000 Victorian employees: 46 000 women, 22 000 workers in regional Victoria. In the electorate of Croydon that is 893 people and in the electorate of Evelyn, 895. Those opposite back the cuts to TAFE and now they back the cuts to penalty rates.

Mr Clark — On a point of order, Speaker, the Deputy Premier cited Victorian Treasury analysis from which he quoted in his statement. I would ask him to make that Treasury analysis available to the house.

The SPEAKER — Order! Is the Deputy Premier quoting from a document?

Mr MERLINO — Speaker, I was not quoting. I was referring to an analysis by the Department of Treasury and Finance. They do not like it, Speaker, but it is 88 000 workers!

Honourable members interjecting.

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

Mr R. Smith — On the point of order, Speaker, the Deputy Premier said the words 'I quote'. Therefore under the forms of the house I ask you to direct him to make it available to the house.

The SPEAKER — Order! Neither the Clerk nor I heard that comment, but we will check *Hansard*. I ask the minister to retain his notes so that we are able to provide the quote.

Mr Watt — On a point of order, Speaker, I refer to page 158 of *Rulings from the Chair*, as I did earlier during question time, with regard to ministers statements and government business. It states:

> Ministers' statements must focus on government businesses.

You appeared to make a ruling which was inconsistent with that ruling, and I would ask that if you are going to set that as a precedent that you put that into the *Rulings from the Chair* and remove the previous ruling, because your ruling was directly inconsistent with a previous ruling. For the smooth running of the house it would be nice to know what rules we are running under in this place and having a ruling from you would be helpful.

The SPEAKER — Order! I do not consider that my ruling was inconsistent with *Rulings from the Chair* and the reference that the member has made to page 158. The full ruling contained on page 158 is:

> Ministers' statements must focus on government business. They may briefly mention actions of previous governments, but must not concentrate on this area.

I think my ruling reflected that.

CONSTITUENCY QUESTIONS

Mr Watt — On a point of order, Speaker, on Tuesday, 21 March, during constituency questions, the member for Eltham raised a constituency question for the Minister for Small Business, Innovation and Trade, which solely focused on the national broadband network (NBN). The NBN is not a state government entity, it is not a state government project, yet the member for Eltham specifically asked the Minister for Small Business, Innovation and Trade:

> … how the minister can help them ensure that the NBN rollout in our area is satisfactory.

Given the fact that this is a federal government issue, and constituency questions must follow the same guidelines as ordinary questions, paragraph (2) of the guidelines recorded in chapter 22 on page 144 of *Rulings from the Chair* says:

> The matter must relate to government administration or policy and be directed to the minister responsible …

The Minister for Small Business, Innovation and Trade is in no way responsible for the NBN, and therefore that question should have been ruled out of order. I did raise a point of order at the time with the Deputy Speaker in the chair. The Deputy Speaker did not rule that it was out of order, yet I contend, given *Rulings from the Chair*, there is no way possible, with a Chair that was in her right mind, that she could have actually ruled — —

The SPEAKER — Order! The member will not reflect on the Chair.

Mr Watt — My apologies, Speaker, I withdraw any reflections. I simply make the point that there is no way that that question is consistent with the standing orders. There is no way that it is consistent with *Rulings from the Chair* — —

Mr Richardson interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Mordialloc

The SPEAKER — Order! The member for Mordialloc will leave the chamber for the period of 1 hour.

Honourable member for Mordialloc withdrew from chamber.

CONSTITUENCY QUESTIONS

Questions resumed.

Mr Watt — You as the Speaker have the ability to overrule rulings from Acting Speakers and the Deputy Speaker. What I would ask is that you review that particular ruling and that you overrule it. Otherwise that would mean that constituency questions and the nature of them change completely, because we could ask about any issue, particularly any federal issue, and that is not what constituency questions are for and it is not in keeping with the rules of the house. I ask you to review that particular ruling and come back to the house to make it very clear that constituency questions need to go to a minister that covers their area, and the NBN is not an area that was covered by the Minister for Small Business, Innovation and Trade. I ask you to rule on that.

Mr Carroll — On the point of order, Speaker, I contend that the rollout of the national broadband network (NBN) is a valid constituency question to the Minister for Small Business, Innovation and Trade. That minister has announced that the NBN cybersecurity centre is going to be located in Melbourne, a joint announcement with the federal government. The member for Eltham has asked a question concerning the rollout of the NBN — which has its headquarters in Melbourne — in her electorate, and she is asking the minister to advocate on her behalf. I would contend very strongly that the information and communications technology national broadband network rollout in a member's electorate is a matter that the minister can take up on their behalf with the federal government, as we are having the head office of the national broadband network located in Docklands.

The SPEAKER — Order! I was not in the chamber at the time, so I will take the matter on notice and report back to the house.

Caulfield electorate

Mr SOUTHWICK (Caulfield) — (12 488) My question is to the Premier. A number of rooming houses continue to cause severe grief for many residents in Victoria, including those in Bealiba Road and Bent Street in my electorate of Caulfield. Given every minister I have asked in this government has either dodged the question or passed the buck, would the Premier advise what he is doing to ensure that those living near rooming houses are being kept safe? I am advised that in recent weeks a rooming house in Bent Street, Caulfield, has had an explosion and a house fire; however, the tenants remain living there, much to the anxiety of neighbours, and the operator is not responding to these concerns.

Essendon electorate

Mr PEARSON (Essendon) — (12 489) My constituency question is directed to the Minister for Roads and Road Safety, and I ask: what is the latest information about improving bicycle access in Flemington, particularly along Racecourse Road, Flemington?

Rowville electorate

Mr WELLS (Rowville) — (12 490) The constituency question I wish to raise is to the Minister for Emergency Services, and it is in regard to a matter of serious concern to the residents in my electorate of Rowville. Minister, will you provide a commitment to the dedicated and deeply concerned volunteers of Scoresby and Rowville Country Fire Authority (CFA) brigades that you and the Andrews Labor government will not change the existing Metropolitan Fire Brigade-Country Fire Authority fire service areas as an enterprise bargaining agreement (EBA) payback to appease Peter Marshall and your United Firefighters Union (UFU) mates at the expense of 58 000 CFA volunteers? Reports that the Andrews government, as part of EBA negotiations, will cede to the UFU request to significantly increase the number of career firefighters, either directly by extending the current Metropolitan Fire Brigade coverage area to include all metropolitan areas and major regional cities or by recruiting paid, retained firefighters in the CFA areas, are of great concern. This speculation that volunteers will be pushed out from the existing CFA areas in the outer metropolitan areas of Melbourne is increasing.

Carrum electorate

Ms KILKENNY (Carrum) — (12 491) My question is to the Minister for Industrial Relations. Constituents in my electorate of Carrum are very concerned about the decision by the Fair Work Commission to cut penalty rates. Minister, my constituents want to know what impact the penalty

rate cuts will have on them and what the Andrews Labor government is doing to help protect them. Over the last couple of weeks I have heard from constituents in my electorate, including many women, as well as young casual and part-time workers who tell me that they rely on penalty rates to support themselves and their families and to make ends meet. They are extremely anxious and worried about the impact of the cuts on their pay, and they look forward to hearing from the minister.

Sandringham electorate

Mr THOMPSON (Sandringham) — (12 492) My constituency question is directed to the Minister for Planning. I refer the minister to the *Plan Melbourne* refresh, which will surpass the neighbourhood residential zone that limited development to not more than two storeys and not more than two dwellings per block and in particular there is the provision of increasing the height of developments to 9 metres. I ask him to confirm whether this increase to 9 metres will lead to a rollout of three-storey developments across areas of Melbourne that have been limited to a two-storey height limit, also noting the consequence of, in the words of one chief executive officer of a local government, the disparity between the science of planning and the reality of car ownership and the density of development that then ensues, which impacts upon neighbourhood amenity.

Bentleigh electorate

Mr STAIKOS (Bentleigh) — (12 493) My question is to the Minister for Roads and Road Safety, and I ask: how has traffic flow improved since the removal of level crossings at Centre Road, Bentleigh, McKinnon Road, McKinnon, and North Road, Ormond?

Ringwood electorate

Ms RYALL (Ringwood) — (12 494) My question is to the Minister for Public Transport. Will the minister ensure VicTrack maintains the grass and landscaping between the car park on the rail line alongside Thanet Court, Ringwood, on at least a bimonthly basis? The area runs alongside the 10-kilometre Box Hill to Ringwood path, funded under the former government, and it is an eyesore for those walking or riding into Ringwood. It is only brush cut or mown on a quarterly basis, and it is often in an appalling state. The residents who are local to this area in Thanet Court, as well as the residents of Ringwood Village, take pride in their homes and neighbourhood. To have this ugly overgrowth not maintained is completely unsatisfactory. This problem is the responsibility of VicTrack, and it should be rectified.

Niddrie electorate

Mr CARROLL (Niddrie) — (12 495) My constituency question is to the Minister for Police. I met with my local Neighbourhood Watch group last week, and more and more constituents are approaching me on the issue of graffiti, which is getting more and more prevalent in the Niddrie electorate. More and more constituents are asking me what we can do to prevent graffiti. I ask the police minister: what resources has the Andrews government made available to stamp out illegal graffiti in our community? Graffiti does have such a negative effect on how our neighbourhood is perceived, and it is costly for councils, businesses and residents to prevent and remove. I ask the minister: what resources are available from the Andrews government and in her portfolio that can help my electorate combat vandalism with local solutions and, most importantly, prevent unsightly graffiti?

Bass electorate

Mr PAYNTER (Bass) — (12 496) My constituency question is for the Minister for Water. Minister, you famously said in Parliament last sitting week that 'rain events do not equate to storage increases'. You said on the weekend that despite a 15-gigalitre annual water order, Melbourne water customer bills would not increase, but you could not really explain why that is the case and who is going to pay. The fact is our water storage levels are 2.8 per cent higher than last year. Your 50-kilolitre water order has cost Victorians $27 million and, using those figures, your 15-gigalitre annual water order will cost Victorians $8 million for water we simply do not need. If the desalination plant needs to be kept in an operational state and we are paying AquaSure $600 million per annum in service fees for the privilege, then surely it is in their best interest to keep some water flowing through the pipes on a regular basis. Minister, can you guarantee that no Victorian will pay one cent extra in their water bills to fund your 15-gigalitre annual water order?

Yuroke electorate

Ms SPENCE (Yuroke) — (12 497) My constituency question is to the Minister for Mental Health, and I ask: what advice can the minister provide to Yuroke Youth Advisory Council (YYAC) members, who this year have decided to raise awareness of mental health issues in our community? Last week I was delighted to convene the 2017 Yuroke Youth Advisory Council. Since my election to this place, it has been a pleasure to convene a youth council each year to hear directly from young people on issues that are important to them. This year YYAC members decided to focus on mental health issues and what can be done to make a

difference in this policy area. I know that YYAC members Emily, Thomas, Marina, Gursewak, Isobel, Yunus, Dilara, Rajat, Josh S., Josh M., Alixandra, Sidney, James, Alicia, Alex, Amy, Stephanie and Vanessa will be grateful for advice from the minister on this matter.

Mr Watt — On a point of order, Speaker, I refer to *Rulings from the Chair*, page 156, under the first point about constituency questions, 'General questions guidelines apply'. I note that the member for Carrum asked two questions within her constituency question. There is also a ruling that you cannot ask two questions within one question; you can only ask one question. On page 149 under 'Questions not to contain multiple questions' it says:

> It is reasonable to ask a question that has a related subquestion, but it is not appropriate for members to raise …

The member for Carrum asked a question which was specifically not within the remit of the state government — about penalty rates in particular — but she then asked what the state government is doing about it. It is fair and reasonable to ask what the state government is doing about it, but it is not fair and reasonable to ask what the effects are on her constituency, given there were two questions within one question.

The SPEAKER — Order! The question that I heard the member ask was: what impact will a cut to penalty rates have on her constituents? So I do not know that there is a point of order there. There were a number of diversions from the procedures set out for the asking of constituency questions today. One member, the member for Sandringham, asked for an action, but it was in terms that I was prepared to allow today. I ask members to reflect carefully on the structure of constituency questions to make sure they meet the appropriate standing orders and *Rulings from the Chair*.

DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS AMENDMENT BILL 2017

Second reading

Debate resumed.

Mr CLARK (Box Hill) — Before question time I was moving to refer to the level of drug offences that unfortunately are continuing to increase at a rapid rate in Victoria. The crime statistics that were published only last week show that in January to December 2014 there were 25 960 offences recorded by Victoria Police. Last year, 2016, that had risen to 31 157 offences. In other words, there has been an increase of 20 per cent in just two years under the Andrews government.

To some extent the number of recorded drug offences depends on the ability of police to be proactive in tackling drug dealing. When there has been a substantial increase in the number of police, as occurred under the previous coalition government, that provides more capacity for police to go out and catch more drug dealers and make a greater impact on the underlying level of offending. But even allowing for that, it is clear that drug offending is continuing to grow in this state. It continues to be a major problem, and that is not just a matter of statistics. Unfortunately drug offending can decimate lives and tear into families, resulting in enormous human tragedy across metropolitan Melbourne and country Victoria. It is something that needs to be tackled, and it needs strong action to be tackled.

I cite no greater authority than the then Leader of the Opposition, the now Premier, who announced in August 2014 that in his view there was an ice epidemic, which he claimed had gotten away from us all, and he promised that within 100 days of taking office he would enact four new criminal offences. Unfortunately those offences were far, far delayed beyond 100 days, and, even worse, they were new criminal offences that added very little indeed to the range of criminal offences that were already on the statute book. As we pointed out at that time, setting greater maximum penalties and re-engineering offences when drug pushers would already be guilty of much more severe offences was not going to be effective in tackling dugs, and regrettably that has been the case.

The now Premier identified the problems then when he rightly said:

> It's wrecking lives. It's destroying families and causing so much pain and suffering in communities right across our state.

That is not only continuing, it is getting worse. Through inaction, through lethargy and through soft-on-crime policies the current government is contributing to that continuing to occur. The now Premier also spoke at that time about providing more funds for community grants, but regrettably the action has been exactly the opposite of what was promised. The coalition government provided funding of $2 million towards ice prevention grants, with communities able to apply for grants of up to $100 000. However, in its first budget the Andrews government cut $30 million from community safety programs, stretched the funding to grants under the Community Safety Fund, the Public Infrastructure Safety Fund and the removal of graffiti. Then belatedly it allocated only $500 000 towards ice prevention

grants and reduced the grants available to communities to $10 000. Despite all the fine words of the then Leader of the Opposition and now Premier, in fact the government has gone backwards in many areas in tackling the drug crisis in our state, and people are continuing to pay a very high price for that, as they are in so many other areas of law and order.

The figures show that there were 39 people who died with drug driving in 2013, compared with 24 due to alcohol impacts. That trend has continued, with more drug drivers killed than alcohol-affected drivers in 2014. The use of amphetamines has overtaken the use of cannabis in blood samples in 2013. The number of amphetamine-affected injured drivers admitted to hospitals more than doubled between 2010 and 2014. There is a continued scourge of drugs here in Victoria, and strong action is needed to tackle that scourge.

This bill that comes to the house first of all implements partially a measure to reduce the applicable quantities for large commercial trafficking that were announced by the then coalition government in 2014 and, secondly, moves to act on synthetic drugs. In relation to the first of these matters, the opposition has proposed amendments that have been circulated in my name, and I thank the shadow minister, the Honourable Edward O'Donohue, for preparing these amendments to give full effect to what the coalition government announced in 2014: to halve across the board the relevant commercial and large commercial quantities of methamphetamine that would trigger asset forfeiture laws for drug dealers. The government's measures in the bill before the house halve some of those quantities but do not halve others.

We believe there should be a halving across the board, as the previous coalition government announced in 2014, and the amendments that I have had circulated will do that. We believe that will better reinforce the message that those who traffic in commercial quantities of drugs will suffer very severe consequences indeed. The Mr Bigs will be exposed to the automatic asset forfeiture laws that were enacted under the previous coalition government. If you are convicted of one of these crimes, you will lose basically everything you have got. It does not have to be shown to be proceeds of crime. Effectively you will be bankrupted, and that will be the consequence of your action if you are caught in horrific large-scale drug trafficking. Our amendments will better reinforce that. Let us hope that they will make some difference in deterring those who seek to peddle misery and to profit from other people's misery.

The other major measure in the bill is to tackle psychoactive drugs. As I referred to earlier, this was a change of approach that was underway under the previous coalition government. It was involved in discussions with police ministers and attorneys-general around the country at the time. The Andrews government has now brought a measure to this place to seek to implement that, and we support the measure. However, although we support the fact that this is being put on the statute book, we do flag that there are a number of issues in relation to it. This raises the issue of different approaches to these law and order issues, particularly these major reform issues. We have had members of the government boasting on a number of occasions — the member for Essendon in particular — that this government takes so long to bring bills to the house because 'We do it once and we get it right'. There is a saying to the effect that the quest for perfection can be the enemy of the good. Sometimes you do need to put a measure in place that gets 80 per cent of the way you want to go. If you can get it in place you can start getting that 80 per cent benefit, and you can then come back and refine it and make it better in the light of experience. Certainly that is a judgement call in each particular case.

The previous coalition government brought in a number of major law reform measures, well recognising that there would potentially be the need for follow-up measures, but you are better off getting these reforms on the book and underway and then you can come back and refine them and build on that base.

This measure is in a sense a start at that. It is an attempt to deal with the problems of synthetic drugs. There are a number of areas of concern about it. It is certainly not going to be a do-it-once-and-get-it-right measure. We think it is certainly a step in the right direction, but it is important to flag in this debate the issues and concerns that arise in relation to it to see whether the government is prepared to take on board some of those concerns and potentially modify even this bill in the light of those concerns, but certainly to flag that it may well be necessary to come back to the house with further amendments to make sure that this law works as it is intended to.

The way the bill's provisions are structured is to create a range of offences in relation to selling and supplying psychoactive substances. For that purpose it has to define what a psychoactive substance is. It defines a psychoactive substance as being a substance that, when consumed, has a psychoactive effect or is represented as or held out to have a psychoactive effect, subject to a list of exclusions. I will come back to the list of exclusions later on.

Then the question is: what is a psychoactive effect? The bill seeks to define it by saying it is:

> (a) stimulation or depression of the person's central nervous system, resulting in hallucinations or in a significant disturbance in, or significant change to, motor function, thinking, behaviour, perception, awareness or mood; or
>
> (b) causing a state of dependence, including physical or psychological addiction …

In the very helpful briefing that we were provided with by officers of the Department of Justice and Regulation it was indicated to us that the key elements of that definition were based on and similar to New South Wales and commonwealth definitions.

The Police Association Victoria has flagged, and I think it is correct in flagging, that there are some issues about how this definition is going to operate in practice. I quote from communication from Wayne Gatt, the secretary of the association, to the shadow minister, Mr O'Donohue in the other place:

> The association also recognises that the part of the proposed reforms for new synthetic drug offences have the potential to result in an increased workload for Victoria Police members. The proposal suggests that synthetic substances should be prohibited based on their psychoactive effect or their representation as having a psychoactive effect. The association recognises that our members will be required to interpret and prove the 'representative' psychoactive effect of new synthetic drugs. The bill also suggests that a safeguard is in place to ensure that lawful products will not be captured under the scheme. This safeguard determines that substances are covered under the scheme when a 'significant' change is caused as a result to the individual's nervous system. The term 'significant' will necessarily need to be interpreted by our members.

I think in highlighting that Mr Gatt rightly draws attention to a number of elements of the bill that are going to have to be tested and proven in court. There will be an argument as to whether a particular synthetic drug, potentially a new and novel synthetic drug that has just been pumped out onto the market, will have what the bill refers to as a significant disturbance or a significant change to motor function, thinking, behaviour, perception, awareness or mood. That is not necessarily going to be an easy thing to prove when it is contested in court, and the prosecution has to lead evidence to that effect.

There is some potential circumvention of that problem because of the fact that the definition is extended to apply to substances that are represented as or held out as having a psychoactive effect. In other words, a substance may not have a psychoactive effect, but if it is being sold and advertised as having a psychoactive effect, that is going to be sufficient. It may be that a number of people who try to peddle this drug could be caught on that basis, but nonetheless if a question arises as to whether a substance does in fact have a significant psychoactive effect, that could be a matter that is difficult to prove.

As I said earlier, the structure of the bill is based around a general definition of a psychoactive substance subject to a list of exceptions. In general terms those exceptions are intended to remove substances that are regulated by other laws. The general structure of that approach is understandable. However, I think there are some issues that need to be questioned in relation to it. A psychoactive substance does not include a drug of dependence because that will be dealt with under other provisions of the existing legislation. It does not include a poison or controlled substance for similar reasons, or a volatile substance within the meaning of part 4 of the act. It does not include medicinal cannabis. It does not include various therapeutic goods. It does not include food within the meaning of the Food Act 1984 that complies with the Food Standards Code within the meaning of that act. It does not include liquor under the Liquor Control Reform Act 1998 or tobacco product under the Tobacco Act 1987, a chemical product within the meaning of the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, a plant or fungus or an extract of a fungus, or a prescribed substance or a substance that is in a prescribed class of substances.

I want to flag one particular aspect of that on which I seek the government's response, and that is the exclusion of food within the meaning of the Food Act that complies with the Food Standards Code within the meaning of that act. The question is: does that mean, in seeking to prosecute under this new provision, that there is going to be an argument about whether or not a food complies with the Food Standards Code and what foods are in fact covered by the code? Are there in fact things that are ordinarily accepted as food that do not get caught by that code and therefore will not attract the benefit of the exception?

In other words, are people at risk of being prosecuted and alleged to be selling a psychoactive substance because they are selling something that is ordinarily regarded as a foodstuff? Take caffeine, for example: does caffeine have a psychoactive effect, is caffeine always covered by the Food Standards Code, and if not can there be an issue in relation to caffeine? I just cite caffeine by way of one possible example but I question whether there could be a range of similar generally accepted and non-controversial foodstuffs that are not protected by that section.

There is another issue in relation to the drafting of the bill that I want to raise also, and I refer to the provisions regarding advertising. Quite rightly the bill seeks to say that it is an offence to advertise to sell a psychoactive substance. The way that is done is by a proposed new section 56F. Proposed subsection (2) says:

> A person must not display or cause or permit to be displayed on or inside a public place or a vehicle or vessel that is in a public place an advertisement if the person knows that there is a substantial risk that the consumption, sale or supply of a psychoactive substance or psychoactive substances generally may be promoted by that advertisement.

Clearly when that is targeted at somebody who has got a shop full of some mind-altering synthetic drug and has advertisements out the front of that shop or indeed on the web or anywhere else saying, 'Come to my shop and buy this substance', you want them to be caught and you want them to be penalised.

The question is how this provision is intended to apply where people advertise more generally about psychoactive substances, either to suggest in broad terms that they are a good thing, perhaps with an incidental effect of trying to encourage the sale or use of them somewhere, or perhaps with a view of making a point more generally about psychoactive substances. One can think back to the album covers for some of the rock bands in the past that seem to make a thing about the virtues of mind-altering drugs. I see that you understand what I am referring to, Deputy Speaker. I do not think that is what the bill intends to capture, but I think it is worth knowing whether those lurid album covers are going to be caught by this bill or not. If they are, then possibly the advertisement prohibition provision is going a bit too far.

A range of these concerns have also been raised by the Scrutiny of Acts and Regulations Committee (SARC). I would not necessarily endorse every word of what they raise in the report, because apart from anything else they make a number of references to potential retrospective criminal liability from these provisions. It is not immediately obvious to me on a reading of the report why they have a particular concern about retrospectivity as a result of the matters they raise.

They do highlight a number of concerns similar to those that I have flagged about the broad nature of some of these definitions. As they put it, there is an uncertainty of knowing what is inside and what is outside of these definitions. They look at it in the context of human rights and people's ability to know exactly what the offence is with which they are charged. They even go so far as to suggest that if the definitions are too broad that might infringe the charter act provision about deprivation of property other than in accordance with law. I am not sure if I would agree with that line of concern, but I think they do rightly reinforce the point that I make that the definition is a very complex one that has a wide range of provisions, not all of which are clear in their operation, and it is important to get this legislation as right as we possibly can while also getting provisions that will tackle the operation of pushers of psychoactive drugs onto the books as expeditiously as we can. I hope the government will respond to the concerns raised by both SARC and the opposition and, if necessary, look to modify the bill on its way through from this house.

In conclusion, as I have indicated at the outset, the opposition supports this bill, including the third measure relating to the administration of opioid substitutes in police cells, but I do reinforce the point that this bill has been very slow getting to the Parliament. A lot of these measures were initiatives that the previous coalition government was either committed to or was working towards when it was in office, and it is very disappointing that it has taken so long for this bill to get to the Parliament because this is an area about which the then Labor opposition promised urgent and effective action. The action has been neither urgent nor effective to date, and the community is suffering as a consequence.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise in support of the bill. I acknowledge at the outset, like many others in this place, the pain and suffering caused by drug use and drug abuse in our communities. I have seen the effects of it in my community, as I know many members in this place have in theirs, and have seen the destruction it can cause to families as well as the burden it can place on our criminal justice system.

Before touching on the more substantive elements of the bill, I would like to address the amendments that have been put forward by those opposite and indicate why we cannot support the amendments at this point. I think the bit to highlight here is that the bill before us today has been flagged for quite some time. Since September last year members have known that this bill was coming before this place. We spoke about it in our community safety statement, and we have been incredibly up-front about this work and about our priorities in this area, and yet it is only at the last minute that amendments are being presented, which is somewhat disingenuous and does not give us much time to consider them. So we do have some concerns around the timing of these amendments and just how genuine they are.

In terms of the comments made by the member for Box Hill around the length of time it has taken for this bill to come before this place, I note that he talked about the former government, now the opposition, bringing forward something similar in 2014, which begs the question: what were they doing in government in those years? It is all well and good to say it has taken us some time, but there has been significant consultation and work around our community safety statement and all it entails and involves. The member for Box Hill quoted the member for Essendon as saying, 'You know, we like to do things once and do them properly'. I would share that view. I do not think that is something we should shy away from. But the real question is: why did it take the former government four years to even mention something like this? So I do find that criticism to be hollow to say the least and it is a true example of politics over policy.

To matters more important, they being the substantive matters in this bill, this bill essentially does three things. It inserts three new offences into the Drugs, Poisons and Controlled Substances Act 1981 to prohibit the production, sale, commercial supply and promotion of synthetic drugs. I will talk about that in a little more detail shortly. It lowers the trafficable quantity of methamphetamine in its three most common forms: powder, which we know as speed; crystal, which we know as ice; and base, which is a paste. It also allows doctors and nurses looking after the medical needs of people in police jails to be exempt from requiring a permit to administer opioid substitutes, such as methadone, to those who are withdrawing from opiates.

I would like to work through those three changes, if I may, in the time that is left for me. I will touch on the changes to synthetic drugs. Firstly, synthetic drugs are developed to essentially mimic the effects of illicit drugs — for example, cannabis and ecstasy — while attempting to avoid drug control measures. Many of us in this place would probably have come across or heard about the use of synthetic drugs. They are highly problematic in my view. I have had many constituents come and speak to me about the danger posed by synthetic drugs. They are often referred to as legal highs. People mistakenly believe two things: that they are legal and that they are safe. That is of incredible concern to us on this side of the chamber.

Synthetic drugs have been linked to three deaths in Victoria in a four-month period between 2013 and 2014. There is often no or very limited testing done to gauge the suitability of these synthetic chemicals for human consumption prior to their distribution. As a result, the effect on drug users is often unpredictable and potentially volatile. These substances can be addictive and toxic, especially if mixed with other substances. They are often marketed as legal highs, which creates a false sense of safety. But be in no doubt: they can be life-threatening. They can carry quite extreme health risks, yet they are often found in quite legitimate shops — tobacconists or sex shops on some occasions. People are not necessarily given indicators of just how dangerous the substances they are taking actually are.

Harmful effects of these substances can vary, but some examples may include seizures, breathing difficulties, heart problems, high blood pressure, withdrawal symptoms, transmission of bloodborne infectious diseases through drug injection, acute kidney injury and injuries resulting from violent behaviour. Long-term effects can include tolerance or dependence, and that is not something we often speak about in a public setting regarding synthetic drugs. I am not sure many people are aware that synthetic drugs can become drugs of dependence like any other drugs. We know that synthetic drugs can cause death, particularly if taken with other substances, as I have outlined. That might include other drugs or alcohol.

Victoria has banned the sale of synthetic drugs by adding specific synthetic drugs to the list of illicit drugs prohibited in Victoria. We do this by defining them by their chemical structure. There are currently 37 types of synthetic cannabinoids and 26 other new psychoactive substances or classes of substance prohibited under the Drugs, Poisons and Controlled Substances Act and its supporting regulations. Currently the only way to stop synthetic drugs is to legally categorise each specific compound or class of compound as an illicit drug.

The number of synthetic drugs listed as drugs of dependence under schedule 11 of the drugs act continues to grow. Therefore we are in a situation where we are constantly playing catch-up. This is why these amendments move away from banning specific substances to outlawing the sale, production and promotion of synthetic substances that have a psychoactive effect. I note that the member for Box Hill touched on the definition of psychoactive effect, so I will not enter into that here. Under the new laws anyone caught producing, selling or promoting synthetic drugs faces up to two years in prison and/or a fine of $37 000. This provides a general deterrent where none currently applies. The bill also ensures that the existing police search, seizure and forfeiture powers under the Drugs, Poisons and Controlled Substances Act and the Confiscation Act 1997 also apply in relation to these psychoactive substances.

To touch on other changes in the bill, we see this bill giving effect to a recommendation to reduce the amount of ice required for trafficking offences. This came about on the back of a Victorian Court of Appeal decision in the Ziad Haddara case. The new trafficable quantities of methamphetamine will be as follows. There are essentially four categories: large commercial when pure, which is reduced from 750 grams to 500 grams; large commercial when mixed, which is reduced from 1 kilogram to 750 grams; commercial when pure, which is reduced from 100 grams to 50 grams; and commercial when mixed, which is reduced from 500 grams to 250 grams. The maximum penalty for large commercial trafficking is life in prison and a fine of well over $750 000. The maximum penalty for commercial trafficking is 25 years in prison and a fine of about $466 000. This means that more ice dealers will move up to higher offence categories and will face those tougher penalties.

I am not going to have enough time to run through all other aspects of this bill, but I did want to counter something that was said by the member for Box Hill and point out that this government in just over two years has invested $2.8 billion in policing and crime prevention. It has funded 4210 police personnel, and that is in contrast to four years of coalition neglect where no — that is, zero — sworn police officers were funded and where Victorian public service staff were cut. I think our record speaks for itself. I commend the bill to the house.

Ms KEALY (Lowan) — It is a pleasure to add my contribution to the debate on the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017. This bill has three main purposes. It attempts to assist to overcome some of the practical difficulties in enforcing existing prohibitions on synthetic drugs and to end their overt sale in Victorian retail outlets. It is also designed to better enable sentencing judges to take account of the particularly dangerous qualities of ice when sentencing persons caught trafficking ice. It also aims to facilitate the efficient and effective treatment of persons in police jails who are withdrawing from long-term opioid dependence.

I would like to pick up on some of the closing comments made by the member for Dandenong about Labor's track record when it comes to law and order. We know that Labor simply have not made the investment in keeping up with population growth in Victoria and in training new police officers and ensuring that we have additional police officers in our communities who are able to better manage law and order in our state. I refer particularly to drug use and possession rates over the past two years. This is based on data released by the Crime Statistics Agency Victoria just a couple of weeks ago.

In 2014 the number of prosecutions for drug use and possession was 19 759 incidents — so just under 20 000. Over the past two years we have seen this rate absolutely skyrocket by almost 25 per cent to 24 594. I think it is absolute nonsense for the Labor government to try to convince people that it is doing a lot around law and order or about supporting a stronger policing framework in Victoria when we simply have fewer police officers per capita than we had when the Liberal-Nationals coalition was in government. As a result, we are seeing drug use and possession increase by an astonishing 25 per cent. If you do believe that you have got a stronger police system than we had under our government, then you really need to look at the evidence and review that. An increase in drug use and possession of 25 per cent is simply unacceptable. We need to see direct action, not just talk, to make sure that that is appropriately dealt with.

So many times when I speak to police and family members I hear that there is deep concern about the prevalence of ice in our communities. However, if we look at the *Ice Action Plan*, which was released two years ago, we can see that there has been barely any implementation of those actions. In fact all we have seen from this government is the stripping of funding of residential rehabilitation services that we funded in 2014. This government's first step was to strip funding from those three centres — funding which would have better enabled people who live in rural and regional Victoria to access residential rehabilitation.

We all understand that residential rehabilitation is not always the right treatment for some people, but for some people community rehabilitation is not the answer. Currently there is a waiting list of up to six months for people to access residential rehabilitation services. It is getting worse — it is not getting better — and this problem is directly related to the Andrews Labor government, which has turned its back on people who are hitting rock bottom and who are addicted to drugs. They know they want to get off drugs and they know they need to get into a residential rehab service. Then they look at this government and they think, 'I could have had a bed if it wasn't for you taking that money away'. I think that is an absolute disgrace, and those opposite should hang their heads in shame about their lack of support for people who are looking to get off drugs because of the way it is affecting their families. The government is not helping people to get out of the cycle, which is a terrible cycle when you are in the midst or in the throes of an addiction to an illicit substance.

This bill does make some sensible improvements, which we do support, in relation to synthetic drugs. This is a very, very difficult area to address in that it is a mobile market. There are new synthetic drugs developed quickly. It is market driven. There are often changes to labels and the names of different drugs. It makes it very difficult for legislation to keep up. The coalition did make some changes around that, although obviously as the drug market moves there need to be amendments to that. I do think the amendments that are put forward in this bill will assist to keep up with the synthetic drug market and marketing of their products.

I do note also that within these amendments there is an element which relates to reducing the trafficable quantity of methamphetamines. This is an important move; however, it is the opinion of the Liberals and The Nationals that this simply does not go far enough. That is why we have circulated an amendment today. It is an amendment that I hope will be supported by all members of this chamber, and it is seeking consistency in lowering the quantity thresholds for the trafficking of large commercial quantities of methamphetamines. We are looking to reduce the threshold for the definition of large commercial quantities from the government-proposed amended quantities of 500 grams and 750 grams to our opposition-proposed 375 grams and 500 grams, down from the existing quantities of 750 grams and 1 kilogram. Further, the Liberals and The Nationals propose that the quantity amount for automatic forfeiture of assets should be lowered to 15 grams from the existing 30 grams. The opposition's amended quantities — as opposed to those of the government, which we accept — represent a 50 per cent reduction to the existing act's defined quantities for large commercial trafficking of methamphetamine. That is consistent with our previous policy of 2014. Of course we also took that position to the election.

I think this would strengthen the bill. It would result in consistency, but importantly it would mean that the police are able to do their job and ensure that people who are caught with larger quantities of methamphetamines are prosecuted as they appropriately should be. As I note, we do need to make sure that we have enough police on the beat who are able to implement this legislation. It is all very well and good to have changes to laws that should toughen up our ability to manage drug dealers in the community, which are an absolute drain on our communities. They create so much damage. They simply make money through misery and harm to others, and I think they deserve to have the harshest possible penalties put upon them. But we do need to make sure that we have defined quantities of drugs which are consistent with the amount that a dealer would have on them so that people are not slipping through the gaps and saying it is only for personal use.

We have received wide feedback regarding this bill in relation to Victoria Police and the Police Association. I also reached out to the alcohol and other drug sector, and I would like to put on record my appreciation for those people who took the time to provide feedback regarding the elements of this bill, particularly in relation to how effective the amendments will be and how it will support a stronger system to get people off drugs and make sure that we look at harm minimisation.

In closing I would like to mention the third element of this bill, which is that this will facilitate opioid substitution therapy in police jails. This is a very good move. It is strongly supported by the sector. We do not want to see people having to go through a detox process in jail without any support to do that, so I think loosening up some of those requirements around medical practitioners and nurse practitioners requiring a permit to administer opioid substitution therapy makes a lot of sense, in my view.

While we support the theme of the bill — we support the bill generally — we would like to see the government support the amendment that reduces the trafficable quantities for methamphetamines.

Mr McGUIRE (Broadmeadows) — The opposition's position on this bill is a combination of alternate facts and gesture politics. We live in a perilous time if alternate facts are not just dismissed for what they are, which is propaganda. Let us have a look at what they have actually done on this bill. They have an argument where they say that consultation was too long, yet, as I have been informed, they only came up with these proposed amendments last night. So where have they been? Is the intent about policy or merely playing politics? I think it is pretty transparent where the coalition lies on this. It reminds me of the proposition — —

Honourable members interjecting.

Mr McGUIRE — I am hearing now across the chamber, 'We're not opposing; we're supporting'. Let us actually set it in the context of what they are looking to do. They are arguing about the difference between gesture politics and political posturing. That is what they did in their time in government. They wasted the opportunity, and the Andrews government is actually getting on with it. We are actually changing the law and implementing the changes that are required and have

been the subject of considered discussion and input from the community. That is the proposition.

This sort of alternate facts proposition reminds me of the whole situation on baseline sentencing that keeps recurring. I want to remind the house that the Court of Appeal in Victoria wrote off the Napthine government's baseline sentencing scheme and described it as 'incapable of being given any practical operation' and remarked that it had an 'incurable defect'. This is actually the Court of Appeal in the state of Victoria declaring it as unworkable. What we are hearing is this alternative narrative that the opposition are trying to propose, that they were strong on crime and that allegedly the government is not. This is a false proposition that must be addressed.

Mr Hodgett — On a point of order, Deputy Speaker, I realise the member probably wrote his speech yesterday and might not be aware of the amendments circulated in the house, but my point of order is in relation to relevance. There is some leeway in the debate, but I would ask the member to actually come back and talk about and debate the bill.

The DEPUTY SPEAKER — Order! There has been some movement around this debate, but I do ask the member for Broadmeadows to speak to the bill.

Mr McGUIRE — Thank you, Deputy Speaker. I want to make the point that I am speaking to the bill and the debate because this is the context of the narrative that is being proposed by the coalition, which is a false proposition.

Ms Kealy interjected.

Mr McGUIRE — I have been listening carefully. The lead speaker for the National Party argued about having to have police on the beat to implement the legislation. Well, this is the government that has actually delivered on that, with an investment of nearly $3 billion in policing and crime prevention and 4210 police personnel having been funded.

Let us actually deal with the facts, not the propaganda. That is the critical point I am making, and I am calling out that the coalition has priors on this. They are recidivists. We keep hearing the same echo-chamber effect, so this is part of the debate and should not be dismissed.

Mrs Fyffe — On a point of order, Deputy Speaker, every member in this house knows and the member for Broadmeadows knows that debate on a bill is not an opportunity to attack the opposition. I ask you to bring him back to the bill.

The DEPUTY SPEAKER — Order! There has been some debate on this bill, but I do ask the member for Broadmeadows to stay within the parameters of the bill.

Mr McGUIRE — Thank you, Deputy Speaker. I am right on the bill, on the debate and in context. It is just that I am talking about an inconvenient truth that they do not want to hear.

The Victorian government with this bill will ensure that those who are most responsible for Victoria's illegal ice trade face tough and appropriate penalties that recognise the particularly harmful effects of ice on the community. This is where we do have a unity ticket, thankfully. Ice is a horrific drug that causes devastating harm to individuals and communities across Victoria and nationally.

According to the Australian Criminal Intelligence Commission the market for ice in Australia is entrenched and expanding, and of all illicit drugs ice poses the highest risk to the Australian community. In Victoria a Sentencing Advisory Council report released in March 2015 found that ice was the most common drug trafficked in commercial quantities in Victoria over the preceding five years. This is an indication of how pernicious it is, the impact it is having and how widely it is being trafficked.

Ice is highly addictive and its use can have both physical and psychological health consequences for users. The ripple effect that follows is that it disrupts families and communities, is linked to violence and property crime, and damages the environment. More specifically the use of ice can make people aggressive or violent, and we have seen reports on the news and on programs such as *Four Corners* on the extreme violence that can be provoked by ice.

It can also lead to serious sleep deprivation that wreaks havoc on a person's moods and anxiety levels, and can lead to symptoms of psychosis. This can have a significant impact on family and friends, leading to conflict and isolation. The ripple effect is not just on the user; it is on their families, on their network of friends and into the community as well. Victorian courts sentencing offenders for drug-trafficking matters are required to sentence based on the quantity of the drug being trafficked and to disregard the harmfulness proposition that is involved.

The second set of reforms included in this bill is aimed at closing the loopholes in the Drugs, Poisons and Controlled Substances Act 1981, which has resulted in some Victorian retail outlets, including tobacconists and sex shops, openly selling synthetic drugs. Synthetic

drugs are developed to mimic the effects of illicit drugs such as cannabis and ecstasy, while attempting to avoid existing drug control measures. They are often marketed as 'legal highs'. This is obviously a marketing tool to try to get around the proposition of their impact and give them a cloak of credibility.

Prospective users may interpret the marketing and overt supply of these substances as meaning they are legal and safe to use or less harmful than illicit drugs. However, we know this simply is not the case. There is often no testing done to gauge the suitability of these synthetic chemicals for human consumption prior to distribution. As a result, the effect on drug users is unpredictable and potentially volatile, addictive and toxic, especially if mixed with other substances. This is the cocktail effect that these drugs can have, with consequences unbeknown to users and incredibly damaging to them, to their families and to the wider community.

The World Health Organization's Expert Committee on Drug Dependence has highlighted the dangers posed by synthetic drugs. It has indicated that the harmful effects vary between substances but can include seizures, heart problems, high blood pressure, withdrawal symptoms and dependence-producing properties, transmission of blood-borne infectious diseases through drug injection and overdoses. That is a whole other set of compounding problems. Further risks are associated with instances of driving under the influence of synthetic drugs. In Australia these risks have been realised, with synthetic drugs linked to hospital emergency admissions and even fatalities, including three deaths in Victoria in a four-month period between 2013 and 2014.

Victoria has sought to prohibit the sale of synthetic drugs by adding specific synthetic drugs — that is, by reference to their chemical structure — to the list of illicit drugs prohibited in Victoria. There are currently 37 types of synthetic cannabinoids and 26 other new psychoactive substances or classes of substances currently prohibited under the act and its supporting regulations.

In summing up, what we have got is the Andrews Labor government delivering legislation to address the issue in a considered policy way that has had wide consultation and input. We then have an amount of investment in policing to enforce the laws and to take care of these issues as best we can, and these will be issues that evolve. I was glad that the manager of opposition business finally conceded that this is going in the right direction. I commend the bill to the house.

Mr HIBBINS (Prahran) — I rise to speak on the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017. This bill prohibits synthetic drugs by defining them by their psychoactive effect rather than by listing them as individual substances. It reduces the amount of methamphetamine considered a commercial quantity, and it allows doctors and nurses to administer opioid substances to people in police jails without a permit instead of just prisons.

In regard to synthetic drugs, there is a small but growing market in synthetic drugs, like synthetic cannabinoids, which are sold through adult shops, tobacconists or online. In the past these have been prohibited by simply adding new substances to the Drugs, Poisons and Controlled Substances Act 1981. The problem with this approach is that manufacturers have been able to stay a step ahead of the game by tweaking the drug composition to stay ahead of the law. This bill takes the approach that has been taken by New South Wales and by the commonwealth by defining those synthetic drugs not by their chemical composition but by the psychoactive effect that they have.

This is a sensible move as it saves having to pass new amendments regularly. At the moment, drug manufacturers can stay one step ahead of the law simply by making small changes to the composition of the drugs they make. I note that the definition excludes drugs that are already prohibited and that substances like alcohol are not the target of this bill. For those drugs that are considered to be a psychoactive substance, this bill prohibits the manufacture, advertising and sale but not personal use.

The bill does add a number of synthetic drugs to the list of illicit drugs in the Drugs Poisons and Controlled Substances Act. Whilst these drugs would have been covered by the new definition of synthetic drugs, listing them means that there are heavier penalties for their manufacture and sale as well as penalties for personal use.

The bill gives police new search, seizure and forfeiture powers over synthetic drugs, as they currently have with other drugs, and it decreases the amount of ice considered to be a commercial quantity from 500 grams down to 250 grams.

Mr Pearson interjected.

Mr HIBBINS — Deputy Speaker, I am unsure why the member for Essendon is interjecting.

The DEPUTY SPEAKER — Order! The member for Prahran should not respond to interjections.

Mr HIBBINS — It reduces that quantity from 500 grams down to 250 grams when mixed and from 100 grams to 50 grams when pure. These figures are based on advice from Victoria Police. The Greens support this approach, because those amounts are still well above the amount an individual user is likely to have for personal use.

The bill also allows doctors and nurses to administer opioid substances in police cells. Previously doctors and nurses were allowed to do this in jails but needed a permit to do so within cells at police stations. Allowing doctors and nurses to administer opioid substitute therapy in police cells is a sensible approach. We do also note that medical staff will need to have received relevant training.

This bill deals with the use of synthetic drugs, which we know is a growing problem. There is the impression that because they are legal they might not do harm, but like all drugs, you do not really know what is in them — and often neither does the emergency department when things go wrong. The evidence is very clear that synthetic drugs can be very harmful.

When it comes to drugs policy, the Greens are very interested in the evidence in regard to this matter. For a long time Australia has taken a law an order approach to drugs, but we know that approach simply has not worked. As recently as Monday, former Australian Federal Police Commissioner Mick Palmer described Australia's approach to drugs as 'badly broken'. He is part of a group of former police, prison officers and other law enforcement officers supporting the call for the decriminalisation of drug use.

The Greens have always supported that approach to drugs. It does not mean that we think that dangerous drugs should be freely available. It does mean, however, treating drug use as a health problem, better funding treatment services and looking at the impact of different substances on individuals and on our society. The criminal treatment of individual users at the bottom of the chain simply has not worked, and we know that this approach simply does not work.

There are two major drug policy proposals on the table at the moment that have received prominent coverage, the first one being the supervised injecting room in North Richmond. This has community support and the support of residents, traders, services, experts and the coroner, who all understand that this is needed, yet the government is refusing to support it. We have this hotspot for heroin overdoses. Last year 34 people died from heroin overdoses in just a few blocks of North Richmond. Around 10 000 discarded needles and syringes have been collected from the streets of the City of Yarra. Clearly the need is there for a supervised injecting facility in North Richmond. Clearly it has the support of the community there.

This is something that the Greens have been pushing for for a long time. We have lost a lot of political skin over this issue over the years. It has been used to attack us, but it is now time for the government to put aside whatever political considerations it has or whatever reasons it has for not supporting this measure and step up and implement this supervised injecting facility in North Richmond.

The other issue is pill testing and reporting. We are seeing people dying and hospitalised from the use of party drugs and recreational drugs. There was an incident in Chapel Street in my own electorate which resulted in deaths. People thought they were taking MDMA, but it was really N-bomb, a dangerous synthetic drug that costs lives. There are a number of ways we can tackle this pill-testing and reporting regime. Is this just going to — —

Mr Pearson interjected.

The DEPUTY SPEAKER — Order! The member for Prahran, to continue.

Mr HIBBINS — There are a number of ways that we can tackle this. This is a serious issue. This is about saving lives and protecting people from harm.

We can go down the path of lab-grade testing at festivals, an approach that has been taken in Europe. Some festivals can nominate themselves as a location for lab-grade testing, and testing would be made available so that festival attendees can test their drugs to see if they have any dangerous substances in them. The evidence shows that when people are shown that the drugs they have do not contain what they thought they had or they contain substances that are extremely dangerous, they will not take them. This really is about putting that information into the hands of those people who otherwise would take or ingest those seriously dangerous drugs.

The other approach is to have a centralised testing approach whereby a person could take their drugs to a centralised health service or a laboratory in a city — in Melbourne, perhaps — where the drugs would be tested and then that information would be made public. That would help in those instances where people are taking drugs in nightclubs or around the city. That would mean that those health services would be able to put out a warning if there were some very dangerous drugs circulating in the community. I feel that certainly that

would have helped in the Chapel Street incidents earlier this year.

The other mechanism is police reporting. When police seize drugs and test them, they do lab-grade testing. We know that occurs. What we are calling for is for information about those drugs to be circulated and made public if they are dangerous. We understand that the minister has ruled out the first two proposals but is considering the proposal that when police seize drugs that may cause overdose or death, the information gained from testing those drugs can be circulated to the public.

We understand with the incidents on Chapel Street that there was still a lot of confusion and uncertainty out there from punters about what drugs those people actually took — what they looked like, what form they came in — and that that information only came out some weeks later when there was still a high risk to punters out at nightclubs around Melbourne because the dangerous drugs may still have been circulating and people simply would not have known what those drugs were or what they looked like.

This really is about the evidence. The evidence shows that these measures work. They work to save lives, they work to reduce harm. We would certainly urge the government to support those measures. Again, we have not really heard that much reasoning as to why the government is not supporting those measures. The evidence backs these measures and they need to be implemented, so we will be supporting this bill in this house. We are consulting with health organisations and others, and we may make amendments in the upper house.

Mr HOWARD (Buninyong) — I see I get to speak before lunch; I am very pleased about that. The Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 is a very important bill, as are so many of the actions this government is taking to address drug concerns across our communities.

As we have heard, there are three main aims contained within this legislation. One is to see us get tougher on those who are trafficking ice or methamphetamines across our community. The second is to tighten controls around synthetic drugs, and the third is to facilitate opioid substitution therapy in police cells.

Moving to the first of those aims, and looking at the overall issues that this bill outlines, we know that the issue of drugs in our community continues to change and vary over the years. Many years ago the main drug of concern was cannabis. Then heroin became a major concern across our community. The outcomes for people who had heroin addictions had become very serious for those people addicted to it and their families, and this issue spread across the community as a result. We know then there was a period when synthetic drugs were a major area of concern. More recently the focus of most of our attention has been on ice.

Of course the issue of ice does not just affect the Melbourne metropolitan area. As a regionally based MP I see that the issue of ice, more so than other drugs, is significantly affecting our communities in the regions. Across Ballarat and other parts of my electorate the sad and serious stories associated with ice continue to come to my attention.

We know that ice is a serious and addictive drug, but we also know that those who are affected by ice can be extremely violent, unpredictable and dangerous to members of their family, to themselves and more broadly to the community. It is important that we get on top of this issue as quickly as we can.

Before coming to government the Andrews Labor team announced that we would get an ice action plan underway within 100 days of coming into government. We did a great deal of work in recognising that the issues of ice are not just a law and order issue; they are a health issue and they are an education issue, and we need a holistic response in terms of dealing with it. There have been a number of announcements made by our government that work on various aspects of the ice issue across our community.

This bill clearly recognises that those who have been found to traffic ice are not being dealt with as seriously as the community expects them to be. This is because the sentencing has related to the quantities of the drug those people trafficking it have carried and not necessarily the seriousness of that particular drug. What we are doing through this legislation is recognising that ice is a particularly serious drug in order to send a message to those who may want to produce, who may want to traffic — —

The DEPUTY SPEAKER — Order! The time has come to suspend the house for lunch. The member for Buninyong will have the call when we return.

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

Mr HOWARD (Buninyong) — As I was saying before lunch, the issue of ice across this state is a very serious issue that needs to be dealt with in a broad range of ways by this government. The issue is a very human issue. So many of us in this house have heard from family members who have somebody who has been on

ice in their family and are dealing with the trauma associated with that. They are always very sad stories indeed — people seeking support, people struggling in a range of ways in trying to deal with the issue of a family member who is on ice.

This is also confronted by people in other sectors of our communities — our paramedics and our nurses and doctors in hospitals, who are periodically dealing with people who are ice affected, and in a whole other range of areas across our society. It is an issue that we need to continue to work on to address, and this bill obviously helps to send that message to anybody who does want to produce and traffic ice that they will be dealing with very significant sentences should they be caught.

Moving onto synthetic drugs, we know that synthetic drugs have been around for a long time. Dealing with them, though, as lawmakers has been a significant challenge because the nature of synthetic drugs changes regularly, and those who are involved in producing synthetic drugs find that if one drug is identified and the lawmakers make it illegal, they can make slight variations to that particular synthetic drug which mean that it is not technically illegal.

Legislators need to get around the need to identify drugs that are clearly a danger to people in our community. We know how dangerous they are when they are synthetic drugs, as people at rave parties and people at other events, such as Rainbow Serpent Festival that happens near my electorate, can attest. We do not know the quality of those products, but often they can be sold legally because we have not been able to specify their illegality. We are moving away from trying to name the chemical compositions of these drugs and identify them by chemical composition because, as I said, there can be slight variations in place. Instead, we are trying to talk about the psychoactive effect of those drugs. We are able to change the definition of those drugs to determine that they are illegal if they have certain psychoactive effects.

Yes, there do need to be safeguards in place. When you try to do this, you have got to do it correctly and recognise that there are drugs that have psychoactive effects that are prescribed by doctors for a range of reasons but that are of course legal, and we want to make sure that they do not get caught in the net in an inappropriate way. There has been a lot of work done in that regard — looking at what is happening in other states, in other jurisdictions, to see how they are getting around this challenge — but we need to be able to stay ahead of those producers of synthetic drugs as much as possible.

Unfortunately, there is not a lot of time still available to me. We know that the last part of this bill relates to people who are in police cells who may be opiate dependent. In the past we have not covered the issue where they can be given quick treatment by appropriate medical officers of alternatives such as methadone and buprenorphine, but now we are able to get around that. In the past they have had to seek permits through the Department of Health and Human Services, but now they no longer need to seek permits. Responses can be offered more quickly because we know they are in our care and we can keep an eye on those people to ensure that the treatment, where it is appropriate, can flow in a timely manner and not be unduly held up.

This is a very sound bill. As chair of the parliamentary Law Reform, Road and Community Safety Committee, I am very pleased that this year we are starting an inquiry into a range of issues associated with drugs and approaches that can be taken to deal with drugs in our community. We have already received over 200 submissions in regard to that inquiry, and we will be doing a lot of work this year. I trust that by the end of this year our hardworking committee will be able to identify a number of other ways that governments can respond to drug issues that are proactive and that recognise the new issues as society perceives them. Whether those issues are associated with pill testing or safe injecting facilities or a range of other variations to the way we treat drugs as a government and as lawmakers, we should seek to be at the forefront of providing the best laws to deal with the challenges of drugs in our community and move further ahead.

I support the bill before the house. It does a number of important things, in particular sending a message to drug traffickers of ice and synthetic drugs. I trust that this will be one step, but there are so many steps that this government is taking and will continue to take to address the issue of drugs in our community. Of course education, we know, is important, as are the health responses of providing support for people who are on drugs and their family members to help them to get off those drugs and get into a style of life that is going to lead them forwards and not backwards. I am pleased to support this bill and all actions in regard to this issue.

Mr THOMPSON (Sandringham) — I am pleased to make a contribution on the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017. The tragedy of addiction and death arising from the injection or ingestion of drugs is something that has wreaked havoc for decades within Australia. I am mindful too of the nature and the genesis of elements of the bill today. I wish to pay the highest tribute to the member for Evelyn, who has consistently

championed the cause for the banning of the sale of synthetic cannabinoids in this house and the wider community. She has often quoted the legislative leadership in the United Kingdom on this area.

I would also like to acknowledge the outstanding commitment and contribution of the Wilson and George families to legislative reform in this place. On 8 November 2016 a demonstration was held on the steps of the Victorian Parliament, calling for action. It was supported by politicians from around Australia, senior police, ambulance services and emergency departments, along with a number of ex-AFL footballers, ex-Olympians, Life Education and Sober Living Housing. Jenny Wilson had made a vow to her brother that his death would not be in vain. Daniel George, an AFL-listed player, had ingested two puffs of synthetic marijuana, and those two breaths took his life away. Jenny Wilson and her mother, Cathy George, made a vow to the effect 'We promise you, Daniel, your death will save lives'. Eloquently and powerfully, Jenny, family members and friends spoke, seeking law reform in this particular area.

The bill, the purpose of which is to amend the Drugs, Poisons and Controlled Substances Act 1981 to prohibit the production, sale and advertising of psychoactive substances, is an important legislative reform that will impact upon lives and make a difference for the better.

Cathy George — Daniel George's mother — made the following statement to a gathering after the second anniversary of Daniel's death. She noted to an audience in the southern region of Melbourne:

> To say your final goodbye to your child whom you love with every inch of your being in a funeral parlour, to walk behind his coffin as he is placed to go to his final resting place will be etched into my memory until the day I die. The desire to leave with him on that date was so strong, only a parent can understand the power of the bond between mother and son.

That was Cathy George commenting on the funeral of her son, Daniel George. Daniel's sister, Jenny Wilson, noted on the same evening that:

> Real-life stories is what we feel is best to get through and stick with kids, so we plan on seeing as many schools as we can, to affect as many kids as we can, to hopefully have them make a different decision in their future and hopefully they can influence others to think about a decision they are about to make.

Jenny and Cathy have undertaken to make a difference in the wider world in their advocacy. In November last year, as they gathered on the steps of the Victorian Parliament to advocate changes which are being reflected in the bill before the house, they ensured that their son and brother's death will not be in vain.

The opposition has a number of amendments in relation to the bill, and they are to reduce the threshold for commercial quantities of methylamphetamines and the quantity for forfeiture of assets from 30 milligrams to 15 milligrams. These matters, I trust, will be able to be debated later on.

In closing my brief contribution, as I know other people would like to speak on this bill as it affects so many families in so many different ways across so many decades across so many countries, I just wish to reiterate the highest praise for the member for Evelyn, who has carried the torch in relation to this issue over a long period of time and advocated on the part of her community in the outer east of Melbourne. Also I would like to acknowledge the contribution of Jenny Wilson and Cathy George, who fought to make a difference together with friends and other family members. That difference in the law will hopefully save lives in the future and will be effected, I trust, through the passage of this bill, and I trust with further legislative amendments.

Mr PEARSON (Essendon) — I would like to compliment the member for Sandringham on his very heartfelt and eloquent contribution. As a parent there is nothing that would terrify you more than the loss of your child and the fear you hold that that could happen to you. Similarly, to have your child become addicted would be something truly awful.

I remember in the 1990s that heroin was a big issue for our community. In the late 1990s there was a lot of discussion about a safe injecting room. It was certainly well canvassed and discussed within the state parliamentary Labor Party, because I recall those discussions at that time amongst both members and staff. The difference, though, between heroin and ice is that for a lot of people if they can kick heroin, provided they do not have blood-borne diseases like hepatitis C or other infections that they have acquired as a consequence of using unsafe needles, then broadly they can go back and continue to function and live an ordinary life. They can be rehabilitated back into society and they have got a greater chance of being able to lead a full, productive and successful life.

That is not the case, obviously, with ice, because of the impact it has in terms of brain damage. The wife of a good friend of mine suffered an acquired brain injury in New York City last year. She had to be ferried back home to Australia and went into rehabilitation. My friend was spending some time with her in rehab, where there were all these young people with acquired brain injuries, and so many of them were ice users. They have profound brain damage as a consequence of using ice. If you are

25 or 30 and you have that level of brain trauma and injury, you have to wonder about the ability to live a fulfilled and productive life. The ability to reintegrate back into society is negligible, I would argue.

In my electorate ice is a huge issue. I spend a lot of time, as do my staff, on my public housing estates. Yesterday one of my electorate officers went to visit a woman from East Africa in a public housing tenancy. The tenant was fearful of the addicts who were dealing from her floor. My staff member said to me that it was the first time in the time she has worked with me that she felt scared, and we spend a lot of time on our public housing estates, because we do a lot of community outreach to those communities, particularly the African communities, as many members would know. I subsequently learned this morning that the person who was drug affected, who was intimidating — I think it is fair to say, a woman from East Africa — overdosed last night and passed away. These are serious issues that we confront here on a daily basis.

I have been told that in some Muslim communities where the consumption of alcohol is frowned upon the use of illicit drugs is not so. The reason for that is that in some communities it has been traditional to chew khat, which is a form of mild stimulant, a mild amphetamine. Some parents might see their child come home and, although the child does not smell of alcohol, the child might be drug affected. They might have consumed ice, but the parents might think it is khat. They would not know. The problem is that the children then become addicted, and it causes enormous social problems in those communities.

It is particularly pronounced in some communities where there are very stratified gender lines. There are instances where the father might be working long hours and may not wish to be particularly engaged with his children or with parenting. I know these are stereotypes, but this is how it plays out on the ground. The mother is sometimes left at home with six or eight children in a two-bedroom flat and has to confront an ice-addicted or ice-affected child, who might be a 16 or 17-year-old boy, and that is hard.

I know a number of speakers want to speak on this bill and I know there is a lot of business before the house today, so I do not want to take up much more of the house's time. When you have the honoured position to be a member of this place and to be a member of the government and when you are presented with these realities and these daily occurrences which affect the broader community, which affect your constituents and particularly which have a deleterious effect on specific cohorts within your electorate and the community, you are duty bound to try to address them and deal with them. That is why a bill like this is important, and trying to make sure that there is a reduction in trafficable quantities of methamphetamines is important. For those reasons, I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017. The bill takes some steps against the scourge of ice and other drugs in our communities by targeting with increased deterrents those that trade in this horrible industry. The bill will make changes to facilitating opioid substitute therapy for those people affected by the scourge of these drugs.

I support a blanket ban on all synthetic cannabis, and this bill does make some headway into this, but I do not believe it goes far enough. With all the wealth of legal experience and with all the health knowledge that we have about the impacts that these drugs have on people, I believe we should be introducing a bill similar to the legislation in the UK, where the emphasis is on the sellers of these packets of potpourri et cetera that they sell — the onus is on them — to prove that what they are selling is legal.

The police have great difficulty. First of all they have to be suspicious that there is an offence being carried out. They have to obtain a warrant to go and seize the product — from, for instance, in my area, the sex shop — and then get it analysed. It takes a long time. The police have a lot of other things to do and there are other claims on their time, particularly with this outbreak of crime that we are seeing here in Victoria. If we adopted the English system, where anybody selling anything suspected of having chemicals has to prove that there are no illegal substances in it, I think it would work better. Anyway, as I said, this bill is taking some steps towards it.

The way that a lot of the things are sold, they have these packets of potpourri in the store and if you go in with a bit of a wink-wink and a nudge-nudge, you are told, 'We have got stronger stuff under the counter, mate', or 'We have got stronger stuff out the back'. Unfortunately so many of the people who are buying this believe that because they are buying it from a store it is legal. One young man told his mum it was legal marijuana. It has affected him terribly. He is in a very bad way. He went and bought this, and because it was sold at a store he assumed it was legal.

The former coalition government proposed similar reforms to this in the lead-up to the last state election, in particular halving the quantity of an illegal drug carried by a person needed to get a trafficking conviction,

allowing the courts to prosecute more easily those that deal in this trade and with a much wider net. The coalition enacted Victoria's first unexplained wealth laws that this legislation complements with its confiscation of wealth obtained by drug sales. This bill lowers the commercial trafficking quantities. The amendments to be put forward by the opposition, I think, will add to this and lower the quantities even more, and I would ask the government to seriously look at those amendments while the bill is between this house and the other place and incorporate them into the bill.

In my own area, in the Yarra Ranges, the Crime Statistics Agency year-to-date reports show there has been an increase of 33.1 per cent in drug crime, but only a 6.6 per cent rise in the drug trafficking/dealing offences category. Obviously some criminals are avoiding the system. Sadly in the suburbs of my electorate drug crime has gone up — for example, 59.3 per cent in Mount Evelyn and 59.6 per cent in Lilydale according to the year-to-date figures.

We all try to look to see what we can do to attack this problem. The deterrent is important in this fight against ice or any drug. The maximum penalty for large commercial trafficking is life imprisonment and a fine of up to 5000 penalty units, or approximately $777 300. For commercial trafficking it could be life imprisonment and a fine of 3000 penalty units. But we have got to prove this. The police have to be able to substantiate it before they get a warrant, and they have got to prove it.

I know that the person who owns the sex shop in my electorate has actually also got a factory that has been raided and he has been fined a couple of times for producing illegal substances, but he just laughs. He drives around in the latest model cars, he lives in a beautiful house and he gets away with it continuously by changing the content of these packets of potpourri on which he has a label saying 'Not for human consumption' — but people in the area know that they can go in and, as I said, with a nudge-nudge and a wink-wink, buy what they believe is marijuana, but of course it is not. It can be the remnants of anything off the floor of a factory, any vegetable material that is soaked in these chemicals.

These chemicals do not just have a psychoactive effect; they also damage the organs of the body. I have had quite a few families coming in, including wives concerned about husbands. I know one lady who was very involved in the medical profession whose son and husband are both addicted to these substances. They are tearing their hair out. They do not know what to do or how to stop it.

As I say, this bill is a step forward, but I do not think we are going far enough. I would like to see us being really tough on this and trying to close down the illegal retailers of these packets of so-called potpourri. I will support the bill because it does, as I say, take some steps forward and it is similar to the commitments that were made by the former coalition government. However, this will not be the end of legislation to deal with synthetic drugs and the open selling of them. People believe that we in this Parliament are weak on crime and that we are not bringing in legislation to tackle the crime that is happening, and sometimes, I must say, I have to support them.

Mr WELLS (Rowville) — It gives me great pleasure to speak on the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017. Whilst we support the bill, I guess there is concern that the bill just does not go far enough. What I will do is just outline the purpose of the bill, which has already been spoken about. The three main purposes of the bill are to overcome many of the practical difficulties in enforcing the existing prohibitions on synthetic drugs and their sale in Victorian retail outlets; to better enable sentencing judges to take account of particularly dangerous quantities of ice when sentencing people caught trafficking ice; and to facilitate the efficient and effective treatment of people in police jails.

We have said this is a positive step forward. The bill being introduced will ensure that there is going to be a greater crackdown on prohibiting the production, sale and promotion of psychoactive substances that either have psychoactive effects when consumed or are represented as having such an effect. This is already happening in jurisdictions such as New South Wales and Western Australia, and we are following them.

I guess my concerns are in regard to the amounts listed for the offence of trafficking. The amendments the Liberal-Nationals coalition are bringing in represent a commonsense approach — that is, we are reducing the threshold in order to catch the Mr Bigs who are trafficking any sort of drugs. I think the amounts that are in the proposed legislation are way too high. The shadow Minister for Police, Ed O'Donohue in the Legislative Council, will be moving a reasoned amendment in regard to reducing that threshold. What the shadow police minister is doing is reducing the threshold for large commercial quantity definitions from the government's proposed amendments of 500 grams and 750 grams to our proposal of 375 grams and 500 grams — down from the existing quantities of 750 grams and 1 kilo. The amendments will also trigger a lower level threshold in regard to automatic forfeiture

of assets, which will be lowered to 15 grams from the existing 30 grams.

The member for Evelyn spoke about the issue of synthetic drugs. It is an ongoing issue. One of the difficulties we had was that when a synthetic drug came in it was seen at that point to be legal and when it gets tested — and it takes months and months for it to be identified and tested — you bring in a regulation or legislation to outlaw that, and then what happens next is they change a component of the drug and change the name, and you are forever trying to catch up. I think that is one of the big issues on which states, territories and the federal government need to work together to try to take a more global approach in dealing with the synthetic drugs that are coming in. We have that ongoing issue. I think there was a synthetic drug coming in called 'Kitty' or something like that, and then they changed the name to 'Kitty 1', 'Kitty 2' and 'Kitty 3'. That makes it difficult to track, and all they have done is change that component. I know it is very difficult to try to reverse the onus because then you have to try and define the food product that is coming into this country.

I note with great interest the work of the former Attorney-General, the member for Box Hill. He put a lot of the items in a press release in the run-up to the 2014 election, and we would have thought that the implementation of a lot of the good ideas that the then Attorney-General was going to bring in would have been acted on. There were three main law-enforcement measures that he wanted to bring in to make it easier for police to tackle and crack down on the scourge of drugs. The first point was giving Victoria Police the power to test persons for illicit drugs when they have been arrested for an indictable offence and are suspected of being under the influence of an illegal drug. The second point is the mandatory drug screening of offenders on community correction orders for offences involving ice. The third point is halving the quantities of ice deemed to be commercial or large commercial quantities for which automatic forfeiture provisions apply and which attract tougher penalties.

This bill in part deals with the third measure, but the first two measures that the then Attorney-General highlighted have not been addressed. It would make sense that after two-and-a-half years into this term the Labor government would have actually taken up these very good, sensible ideas and brought them in as part of this bill to deal with the scourge of ice and other illegal substances.

Whilst we support the bill, we would also ask that the house accept the amendments that are being put forward — that is, to lower the threshold of drugs that are being seized and also to reduce the threshold in the definition of large commercial quantities to ensure that the Mr Bigs of the drug trade industry are being caught and locked up where appropriate. With that, I support the bill.

Ms HUTCHINS (Minister for Local Government) — I move:

That the debate be now adjourned.

Mr BATTIN (Gembrook) — The opposition will oppose the adjournment of the debate. We believe fundamentally that people have got more to say on this. It is a very important topic. It is something that a lot of people have got something to say about in relation to their communities. They have seen this over a long period of time, and as a former police officer, I can speak to you about specific issues in this bill of interest to our community. It is vital that our members get an opportunity to have a say. The government has put forward this bill in good faith to allow everybody in this chamber to have a say on the issues they are having in their own electorates. This is happening in our own electorates. We have seen the issue of drugs in our electorates, and there are people on our side who need to have a say on theirs. They need to be able to get up and speak about their communities.

The government have spoken for nearly a full day on a motion they had on day one. They have been sitting here defending themselves in relation to rorts. They have defended everything. They are defending the member for Melton. They are defending the member for Tarneit. At no time have they been interested in what is going on in government. This is actually a piece of legislation that is vital for Victoria and vital for this Parliament. If they want to put respect back into this house, this is actually something where we can work together to ensure a message gets out to all of Victoria. But they cut across and say, 'I want to talk about something else'. It is a super important topic when we are talking about drugs.

We heard from the member for Sandringham about some of the effects it has on families, and that goes back a long time. We heard from the member for Evelyn, who spoke about issues in her electorate over a long period of time. I can tell you about the issues in Dandenong, when you had drug and heroin epidemics on the street. It actually got to a stage where — and I will use this example — McDonald's closed. And McDonald's does not close everywhere. The streets in Dandenong were unsafe. This is a topic that is fundamental to what this Parliament is doing. It is about

providing for a safe Victoria, and we 100 per cent support a safe Victoria. We need to make sure, number one, that this government is held to account, but when you have got a bill like this on the table we want to get our message out to the community. We do not want to stand by and have a government adjourn debate and move away from a topic that is so important to all of our communities, whilst they have been time wasting over and over again and talking about themselves.

All we have heard this week from this government is a conversation about themselves, factional infighting and war about what is happening going forward. They have no idea about what is going on in Victoria. You can look at the news tonight because the news will not be about what this government have delivered, it will be about the issues and the roadblocks that they have tried to put in place to block reports being made public and to try to stop the member for Melton having to pay back the money that he owes to Victorian taxpayers. Up to $200 000 is owed by one member alone, and that is the topic that will be on the news. The reason it is out there is because this government is rotten. They are rotten to the core. They are rotting from the head down, and every person on that side should be ashamed. They need to be saying that we need to keep a debate like this going, ensuring we discuss important topics like crime and drugs.

We had a group of young people up in the gallery earlier today, and those young people need to understand the importance of this issue and how strong the message needs to be when it comes to drugs. We need to be sending the message that you can say no to drugs. We on this side of the house will be supporting this bill, but our members of Parliament deserve the right to have a say on a topic that is hitting them in their communities.

We are sick of walking down the street in our own communities and hearing about not just drugs. My electorate is concentrating so much on rorts now. They think the government has deserted them. We are giving them an opportunity, believe it or not, to keep this topic going so we can go back out into the community and say that something genuine has come out of this Parliament rather than the rot that has been going on on the other side for the last two years.

In the last three weeks of Parliament there has been question after question with no answer about what is going on regarding the rorts that have happened on that side of the house. We need to make sure that we can restore some dignity. This is a bill that can get out there and do that. We need to make sure that drugs are banned in Victoria. I am surprised there are not more speakers on that side wanting to get up to talk about the positives of this bill and the way it is — —

An honourable member interjected.

Mr BATTIN — Burying my head in the sand? We are talking about young people who have died from drug overdoses, and you want to start talking about burying heads in the sand. If you worked one day on the street as a police officer you would understand the impact it has, and maybe you will be changing your view on that.

Honourable members interjecting.

The SPEAKER — Order! Members on both sides of the table will direct their remarks through the Chair.

Mr BATTIN — I am assuming the clock was wrong then. When you want to talk about an aggressive man, I will be aggressive. We are talking about young people who have died on the street and young people who have had issues with drugs and drug habits in their house. I will continue to stand up for my community, and it is a shame that you are more worried about who is going to be the leader of your own party and how you are going to try to defend the member for Melton's $175 000 rort.

Ms ALLAN (Minister for Public Transport) — As indicated by the motion moved by my colleague the Minister for Local Government the government wishes to adjourn the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 in order for us to move on to the Family Violence Protection Amendment Bill 2017, which is next on the agenda. I think the reasons put forward by the member for Gembrook about why those opposite are opposing this probably reflect more on them and the fact that if they were really keen to allow maximum time for debate on the bills in this week's program, we would not have seen the repeated delaying tactics that we have seen on a number of occasions over the course of this week.

Yes, this is a very important bill. It does some very important things in terms of banning particular substances. However, the bill we are about to go to, the family violence bill, is also an incredibly important bill. I would hope that those opposite do not think that the family violence bill is a stunt, as has potentially been suggested across the chamber. The matters in the family violence bill are very important and go to — —

Mr Pesutto interjected.

The SPEAKER — Order! The member for Hawthorn will come to order.

Ms ALLAN — I find it amazing that those opposite are shouting down moving on to a bill about family violence. That is just astonishing. We think that this is a very important bill, and we also think that police enforcement is really important, which is why we have invested in the biggest police resourcing package on record. Sitting opposite me is the man who cut the police budget. Not content with cutting the police budget, he cut the Country Fire Authority budget and the Metropolitan Fire Brigade budget. The former Minister for Emergency Services was at the tennis while the state was burning. So I refuse to take lectures from those opposite about the seriousness of these important matters.

We believe this is an important bill. That is why we put it on the agenda. We think family violence is important, which is why we put that on the agenda as well. We know the member for Burwood does not think it is particularly important, but we reject that approach.

Mr Clark — On a point of order, Speaker, the Leader of the House is making imputations against the member for Burwood in breach of standing order 118. I ask you to direct her to cease doing so.

The SPEAKER — Order! I remind the Leader of the House that she cannot impugn other members. I ask her to come back to the motion.

Ms ALLAN — We see the issue of family violence as more than just a women's issue. We see this as an important matter for the whole community. This should be seen for what it is. The opposition are trying to use every opportunity to delay our legislative program. We reject that approach resoundingly because we think that these are important matters. Do you know what happens at the end of the day if these bills successfully pass this chamber? They go to the other place, and there will be more opportunities for scrutiny and for members of other parties to speak on these bills.

Hopefully at the end of that process these bills will become important laws that are about protecting the community, important laws banning particular substances and important laws protecting families, particularly women and children. I certainly encourage that we take the opportunity to move on to the Family Violence Protection Amendment Bill 2017 in recognition that there is going to be important work done during that legislative debate.

Mr CRISP (Mildura) — I rise to speak against the motion to adjourn debate on this bill. Let us be right upfront about this. Both of these bills are important. Family violence is important. So too are drugs, and in some cases they are related — very much so in my area. We need time to debate these bills and debate them correctly. I take from the member for Essendon's comments during debate on the government business program that we have got to do it once and do it right. The only way we can be sure we are getting this right is to debate these issues thoroughly and to allow time for these issues to be discussed. There are areas of concern for country members, and they want them put on the record so they are part of the decision-making process. There are also areas of concern for our city and suburban members. They have all got particular issues around drugs and violence in families.

Some of the issues that I would have liked to raise are about synthetic drugs. In my area you can buy at the local sex shop potpourri which appears to be a synthetic cannabinoid. I have had a lot of discussions about this on radio with Anthony on Mildura radio station River1467AM, particularly with regard to the issue of schoolchildren accessing these drugs and how these drugs are legal, although they should be illegal because they are synthetic cannabinoids. That is before we even get to the scourge of ice and what that is doing in our rural areas. Mildura has had significant problems with ice, so much so that we have had to institute special community programs to deal with it.

I would have liked to have raised the issue about the disparity between rehabilitation beds in Victoria and in the country. As I understand it, there are 200 rehabilitation beds in Victoria and 800 in New South Wales. We need to talk about those issues. The way to manage drugs is that people make a decision to get off them, and then when they do make that decision you have got to have the support services there for them. All of these issues need debating, and residential drug rehabilitation is extremely important.

We have got the government gagging debate on these issues to move on, yes, to family violence. As I have said earlier, family violence in my electorate is closely related to drugs. These two debates need to be had and need to be had fully for us to get the benefit of our combined wisdom about how to attack or approach these two scourges of our community. On residential rehab beds, I had the Australian Community Support Organisation in my office yesterday, briefing my staff and the community about their approach to drug rehabilitation in Mildura. Odyssey have been to Mildura and are interested in this. I have got service clubs who are interested in getting involved in drug rehabilitation. That is how important it is in my area, and I congratulate the Rotary Club of Irymple and Gary Castleman for what they are doing.

So what does Mildura have? Two detox beds at the hospital, which are feeding into Sunraysia Community Health Services which have got a community program. But we do not have those detox beds. My community want that talked about, and it is an opportunity in these debates to talk about those issues. As with family violence too, we know it is a scourge, but I do notice that on the notice paper we have got two family violence bills in sequence with each other. Would it have been wiser to have brought these two together to have a long and comprehensive debate about family violence? The Leader of the House says, 'No, not possible' — —

Ms Allan interjected.

Mr CRISP — I do not want to go there. Okay, I stand corrected. However, when you are looking at this and how you organise time — how we debate things — we need to have the time. We need to have focus from the government to deliver us the opportunity to work with our combined knowledge to deal with these issues. Certainly, curtailing these debates, probably because of mismanagement earlier in the week, is not an excuse in any way, shape or form. We could have had far more debate on these issues this week. It just has not been managed well by the government of the day, and they stand condemned for their actions.

Mr PEARSON (Essendon) — I rise to support the Minister for Local Government's motion to adjourn debate on the bill. The reality is that family violence is a scourge in our community.

Honourable members interjecting.

The SPEAKER — Order! Without assistance. The members for Hawthorn and Mordialloc!

Mr PEARSON — When the member for Gembrook indicated that people are seemingly only focused on crime in their communities, we know that for women aged between 20 and 44 family violence is the single largest cause of death in that cohort of our community. This is a vitally important matter. We set out on Tuesday what the government business program would be. There are many speakers who wish to have the opportunity to make a contribution on the Family Violence Protection Amendment Bill 2017.

I listened to the member for Gembrook's contribution on the Royal Commission into Family Violence report, and he made an elegant contribution. I remember listening to the member for Gembrook's contribution, and I followed him. I commented at the time that it sounded like we had the same grandfathers, both of whom were perpetrators of family violence. He made a great contribution then. I am surprised he is opposing the motion moved by the Minister for Industrial Relations to get on to this topic, which is the single biggest issue that is confronting our society and certainly the single biggest issue that is confronting women aged between 20 and 44. On that note I commend the Minister for Industrial Relations's motion.

Ms RYALL (Ringwood) — I think it is absolutely appalling that we are being gagged.

Honourable members interjecting.

The SPEAKER — Order! The member for Essendon and the member for Gembrook.

Ms RYALL — It is absolutely appalling that members of the Parliament — members of this house — are being gagged from debate on something that is vital. I would suggest that certainly family violence and bills in relation to drugs — certainly the ice endemic and epidemic in this state — are both important, so we would suggest that the house actually returns. But I make note that this government is in crisis. It has not only lost control of the streets, it has lost control of the legislative agenda.

We spent Tuesday on one bill. We spent yesterday debating motions from the other side. They have had two previous days, given the importance that they are putting on this, to actually do what they are trying to do now and bring on the debate on family violence. It is important. We are happy to extend the sitting to accommodate that further debate, but one of the key issues here is that we are not getting on with debate when drug use and possession is up by just over 29 per cent in my electorate of Ringwood. Cultivation and manufacture of drugs is up 19 per cent in my electorate of Ringwood. We are facing crisis proportions of drugs. The impact of that on family violence, the impact of that on relationship breakdowns and the impact of drugs on social problems is enormous. Yet we are being gagged from representing our communities, putting their perspectives forward and making sure that their views come into this Parliament, because this government cannot manage their legislative agenda. That is just disgusting. We should be debating both equally. We should be able to complete our debate on this.

Not only that, we have important amendments to this bill that we have put forward that are actually going to better manage the issue of drugs in our society and make sure that those culprits who traffic are brought to account, given what they do. It is absolutely important and vital that not only this side debates those

amendments but that the government actually recognises how important those amendments are.

But I see them now. They are all sitting around talking to each other. They are not taking any notice of this debate at all, and I wonder how many of them would stand up in front of their communities and say, 'We gagged debate on the ice epidemic and on dealing with ice. We didn't discuss the important amendments that were put forward to actually better manage and better deal with the issues of ice and psychoactive drugs in this community' — things that are actually killing people just as family violence is. This is absolutely important. This is something that we should be debating, and I am absolutely willing to stand up for my community and say that this government gagged debate on something that has increased drug possession by 29.1 per cent in my local communities. I have no qualms at all about standing up in front of them and saying this government does not care enough for us to be able to make a contribution in representing our communities. It does not care enough for its members to make a contribution in representing their communities.

Make no mistake, we will go out to their communities and we will let them know that this government does not care enough to actually extend the sitting so that we can accommodate this debate and the one on family violence. It is absolutely vital that we get to discuss these amendments and put it through. What we want is bipartisan support from those opposite, who are all sitting and having a conversation with each other, to make sure that our amendments get through in the best interests of Victoria, in the best interests of our communities and in the best interests of those people who are impacted by drugs, including family violence victims.

House divided on Ms Hutchins's motion:

Ayes, 45

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

Noes, 39

Angus, Mr
Asher, Ms
Battin, Mr
Blackwood, Mr
Britnell, Ms
Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Guy, Mr
Hodgett, Mr
Katos, Mr
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
Sheed, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Staley, Ms
Thompson, Mr
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to and debate adjourned until later this day.

FAMILY VIOLENCE PROTECTION AMENDMENT BILL 2017

Second reading

Debate resumed from 8 March; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — I am pleased to be able to rise this afternoon and speak on the Family Violence Protection Amendment Bill 2017. Here we are at 3.00 p.m. on Thursday afternoon, on the cusp of a relatively long break before we come back on 2 May for the state budget, and all we will have at the very most is 2 hours of debate on this critical bill. This is on a topic of great concern to all of us in this house and to the Victorian people, and it is a matter of some great regret that a whole day yesterday, or thereabouts, was devoted to a government stunt to debate a motion that simply did not need to be before us. That time which was devoted to that stunt could have been more usefully dedicated not just to debate on the bill we just adjourned but to debate on this bill.

I know there are many members on this side of the house who would dearly love to speak on this bill, and I urge the government to not play games on these sorts of matters. We all agree these are very important matters, and members in this house want to be able to

speak on them. When the government confines debate to a 2-hour window — bearing in mind that I could go for a whole half-hour, but I certainly do not propose to do that — and you take out the half-hour for the lead speaker of the opposition, that leaves 90 minutes for members in this house to speak on a matter of great importance.

On the bill itself, I can advise at the outset that we will not be opposing the bill, but I will be proposing some amendments. I will circulate those now and address them in a short while.

Opposition amendments circulated by Mr PESUTTO (Hawthorn) under standing orders.

Mr PESUTTO — Before turning to those amendments and one further concern that we have, I should place on record at the outset that in moving these amendments, we move them in the spirit of cooperation. I urge the government to give consideration to the amendments. If the government is inclined to resist the amendments, we will not be opposing the bill in its current form, but we do hope that the government will understand our reasons for those amendments. Even if the government has some reservations about the merits of the amendments to which I will shortly come, there is a case for at least allowing the law which is engaged by those amendments — namely, section 327 of the Crimes Act 1958 — to operate for a period to see whether any of the concerns which were expressed by critics of those provisions in 2014 and the critics who aired their concerns about the provision in the royal commission actually materialise.

I will address a few other matters before I turn to the amendments. The first matter I want to note is the establishment in clause 7 of a rebuttable presumption that if an applicant for a family violence intervention order has a child who has experienced family violence, that child should be included in the applicant's family violence intervention order or protected by their own order. We certainly think that that provision is a useful addition to the current law. It will ensure that children are covered by intervention orders when they are made by our courts.

Children often bear an even longer term trauma from family violence, and they live with that for the entirety of their lives. We should be doing everything we can to ensure that the process is no more traumatic and distressing than it has to be. Even with the most efficiently run court processes, when family violence is before our courts it is a matter of great distress not only for adult applicants but also for children. We think those provisions will be useful. The bill does provide respondents with the ability to apply to the court to rebut that presumption, but it will be on the respondents to carry that effective onus. We think that is appropriate.

Secondly, I want to deal with clauses 25 to 30 of the bill, which provide for alternative service in certain circumstances. We think this is sensible, particularly where respondents in family violence matters are using various deliberate means to try and evade service and make the processes of our court system more difficult to fulfil. Courts typically are very careful when it comes to alternative service and substituted service in these matters. I am sure, as is provided for in the supporting materials that the government has for this bill and the bill itself, the courts will be very careful in ordering alternative service and substituted service.

I will touch on a matter later involving finalisation orders, which this bill will preclude from commencing. I make the point that, as a principle, there is nothing wrong with orders that are either in the form of alternative service or substituted service or dealing with matters in a self-executing fashion. There is a concern among some, I recognise — and these concerns are not without merit — that where you have self-executing orders or orders for substituted service you do not have that kind of personal or direct engagement with parties to court proceedings. That is not a trivial concern by any means — it is a matter certainly to be considered — but I think allowing for alternative service in a wider range of circumstances and substituted service in wider circumstances is an advancement we are happy to see proceed.

I want to touch on clause 32 of the bill, which provides that the first mention date for an application for a family violence intervention order in the form of a safety notice is going to be extended from a maximum of five days to a maximum of 14 days after the notice is served on the respondent. We do not oppose this. We can understand the government's reasoning for this. It came out of a recommendation from the family violence royal commission. My only concern is that we do not want to see situations which can be highly distressing for all parties in circumstances where, because of this amendment, the court may not consider that matter for a longer period of time, even if it is an extra two days or an extra three days or something of that order.

I note that Victoria Police in particular will use their best endeavours to bring matters on as soon as possible where there are exclusion orders — that is, particularly and typically where the male party to the proceeding is

excluded from the family home and there is an effort to bring the matter on. My only concern — and I ask the government to take this in the spirit in which it is offered — is that you do not want situations where it is highly charged and, because of this amendment, it will not be dealt with for seven or nine days instead of five days. I think it is very important that matters are brought before the court as soon as possible. These situations are always volatile, they are uncertain and they need to be brought before the courts as soon as possible. We certainly do not oppose what the government is trying to do, but I do ask the government to keep a very close eye, as I am sure it will and should, on the effect of that extension of the five-day time limit, because it could have some problems with that.

I want to touch on clause 33 of the bill, which gives courts the power to strike out appeals under the Family Violence Protection Act 2008 where the appellant fails to appear at the mention date or hearing of an appeal. We do not oppose this, and we think it is a matter which possesses some considerable merit. I want to touch on this because we think it is a good thing. It is a matter about which I am highlighting my concerns, which I will address later on.

Although there are some concerns among people that self-executing orders or orders made in the absence of a party to the proceeding before the court can sometimes mean that the respondent in particular is disengaged from the court process when our best efforts are being dedicated to trying to bring people into the court's processes, I and my colleagues do not feel that clause 33 will do anything to diminish that. It will just allow courts to dispose of matters where there is a clear intention from, say, a respondent to thwart the proceeding and forestall outcomes that are urgently needed to give the other party — namely, the applicant and any children who are affected — immediate closure or some certainty about their own circumstances. When I come to clause 61 later in my remarks, I will revert back to this and touch on it.

I note that clauses 46 and 53 give the Koori Court division of the Magistrates Court and the Koori Court division of the County Court jurisdiction to deal with family violence matters. It has been a longstanding part of our law that our courts will do everything they can to assist our Indigenous communities. We think that that is an appropriate measure. Again, whatever benefits come out of those reforms might be something that can be considered more broadly if there are benefits from those particular matters. But on the whole, without addressing every clause in the bill, we are happy to see the bill go through.

I now want to turn to my amendments. I fully understand and acknowledge where the government is coming from. We have a different view, but I respect the government's position. We take a different view on clauses 54 and 55 of the bill. This is one of those debates where it can be delicately balanced.

Clauses 54 and 55 will require the Director of Public Prosecutions to consent to any criminal prosecution of a person who fails to disclose child sexual abuse. Acting Speaker McGuire, I know how passionate and committed you are in relation to the work that you and Georgie Crozier in the other place and other members of this house and the Council invested in that landmark child abuse inquiry. One of the recommendations of that inquiry was to place on all Victorians, no matter what your position, some kind of duty beyond just a moral calling — a legal duty — when you are seized of information in the form of a reasonable suspicion at the very least.

The outcome of the inquiry of which you were an integral part recommended that if you have that information you should disclose that to Victoria Police. So the previous coalition government brought in what is now section 327 of the Crimes Act. I will read into the record subsection (2) of section 327, omitting irrelevant parts for the time being. It states:

> … a person of or over the age of 18 years (whether in Victoria or elsewhere) who has information that leads the person to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years must disclose that information to a police officer as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so.

Subsection (3) of section 327 sheds light on what a reasonable excuse might be. I will not deal with all its contents but section 327(3)(a) states that a person will have a reasonable excuse for not disclosing what she or he knows of child sexual abuse to a police officer if:

> … the person fears on reasonable grounds for the safety of any person (other than the person reasonably believed to have committed, or to have been involved in, the sexual offence) were the person to disclose the information to police (irrespective of whether the fear arises because of the fact of disclosure or the information disclosed) and the failure to disclose the information to police is a reasonable response in the circumstance …

There are some other matters that are addressed in section 327, but the kernel is that unless you have a reasonable excuse, you are now expected to disclose child sexual abuse to police for which you have a reasonable basis for believing is occurring.

I understand and respect the concerns of some at the time who said, 'What about if you are the victim of domestic violence?', and examples were given of, say, mothers who might be the subject of domestic violence. That is a very real and legitimate concern, but what I would contend is that that concern is addressed in the existing section 327. I cannot conceive of any circumstance where, let us say, a mother is the subject of family violence by her partner and the law requiring her in those circumstances, where she has a fear that should she disclose, for example, child sexual abuse being committed by her partner on their child, the law would consider her culpable under this section for not disclosing it, because it is palpable and obvious that there would be a reasonable basis for a woman in that situation to say with absolute legitimacy, 'I had a reasonable basis for not disclosing to police. I had a fear for my own safety; I had a fear for the safety of my child'. That was always the intention of section 327.

I make these remarks in no way to dismiss the concerns of some who raised their grievances about this section. My argument is not necessarily against the merits of what the government wants to see happen; it is actually just about whether the current law is wide enough to encompass the concerns that are legitimate about whether a person who is the subject of domestic violence can have a reasonable basis. I have no doubt that section 327(3) gives complete closure to somebody who is the subject of domestic violence. But what clauses 54 and 55 of the bill are going to do is require the Director of Public Prosecutions to consent to any prosecution and to take into account domestic violence.

My argument is not that the section is a bad proposal; my argument is that it is not necessary. If courts are to interpret the addition of subsections (8) and (9) to section 327, which clause 54 will insert into the Crimes Act, the courts will have to draw some meaning beyond what is already there in section 327. Our fear is that it is not needed. The effect could be to defeat a very well-meaning purpose of section 327, which is to protect children, because as you would know better than I, Acting Speaker McGuire, if we do not have this cultural change across our entire community, who is going to protect a young child who has been the victim of child sexual abuse? As I said, at the risk of repeating myself, we do understand that some people will face violent situations, and that is why subsection (3) is such an important part of section 327. So we believe that clauses 54 and 55 should be withdrawn.

To that end it might just be worth quickly touching on some comments by the then Attorney-General in 2014 about why section 327 was being brought in. In referring to the committee of which you were a part, Acting Speaker, I will quote the Attorney-General from back in March 2014, when he said:

> The committee heard graphic accounts that detailed horrendous and traumatic experiences of victims abused as children in the care of non-government organisations that spanned a period of decades through to more recent times. Victims provided confronting accounts of their feelings of fear and helplessness when subjected to physical, emotional and sexual abuse by personnel in organisations.
>
> In circumstances of sexual abuse, many explained that as children they lacked the intellectual framework to understand their abuse. They spoke of subsequent feelings of guilt and embarrassment, and a belief that they needed to conceal what they felt was a deeply shameful secret.

I just want to make the point that if no-one is going to protect these children, then who is? I urge the government, as I said, to consider the amendments. We are not going to oppose the bill if the government rejects the amendments. But we hope they will allow section 327 to operate, because it was intended not just to impose a legal requirement but to change the culture around child sexual abuse, and I say that respecting and acknowledging the concerns about section 327, but I do not think those concerns warrant what could defeat the purposes of section 327.

I am conscious that others want to speak, so I just want to talk about one other matter, which is clause 61 of the bill. What this will do is effectively repeal uncommenced provisions that came from some 2014 legislation, which introduced into the Family Violence Protection Act 2008 the ability for courts to impose finalisation orders. I will go to the remarks of Ed O'Donohue in the other place, who introduced the bill on behalf of the then government, and the legislation that affected the Family Violence Protection Act. I am referring here to the second-reading debate on the Family Violence Protection Amendment Bill 2014. Mr O'Donohue said in that debate:

> The bill provides that when making an interim order, the court may include a condition providing that the order becomes final 28 days after being served on the respondent if the respondent does not challenge the order. This is called a finalisation condition.
>
> If no challenge is lodged with the court, an affected family member will be saved the trauma of having to attend the court for a further hearing and potentially having to face the respondent at the court. The matter will still come to court if the respondent seeks to contest the order or any conditions, but unless they do so, the interim order will automatically become a final order. A finalisation condition does not change the current requirements for respondents to attend court when a hearing is to be held. However, at present, the respondent does not attend court for a final hearing in over a third of cases, and the order is made in the respondent's absence.

Further down, he says:

A finalisation condition will only be included where both the court and the affected family member consider it appropriate.

Acting Speaker, as you recall I referred earlier to clauses 25 to 30, dealing with alternative service, and in particular clause 33, dealing with the court's ability to strike out appeals. What the government is doing — and we think it is sensible — is giving courts wider powers to dismiss appeals when appellants do not show up. So somebody who is trying to thwart the process or forestall outcomes will find that his or her appeal will be struck out if they do not turn up.

The very same rationale which sits at the heart of clause 33 is what sits at the heart of the change that was made in 2014. The ability of courts to include finalisation orders was, before any other consideration, there to ensure that particularly women who are going to court are not going to be required to turn up to court if all that is going to happen is that no-one is going to be there. We will lose that benefit if the government proceeds.

Again, we are not going to oppose the government; I am not moving an amendment to reverse the effect of clause 61, but I hope the government might give consideration to that, because there is a lot to be gained in that. The argument that was always advanced in some quarters — that the effect of finalisation orders will disengage particularly men from court processes — I think is real, and I respect it, but it is easy to overstate. If you are prepared to do it in relation to appeals, then the same helpful rationale can be invoked to support the retention of what are in effect self-executing orders in the case of other matters before the courts.

I will shortly conclude. As I have said, we do not oppose the bill, and we are quite happy to see it go through. The amendments I have moved will not, if they are rejected, give us a basis for opposing the bill. I just hope the government will, and I urge it to, consider the merits of my remarks on section 327 of the Crimes Act and also what will effectively be the abolition of at least potential self-executing orders in other matters. On that, I conclude my remarks.

Ms RICHARDSON (Minister for the Prevention of Family Violence) — It is my very great pleasure to rise and speak on the Family Violence Protection Amendment Bill 2017 that of course delivers on a number of royal commission recommendations. With respect to the amendments that have been moved before the house, I have just been trying to get my head around each of those amendments, and I appreciate that the shadow minister has provided some detail in his presentation today. What I would say though is that these amendments that are being put as part of the bill are entirely consistent with the royal commission recommendations. I know the spirit and the intention of the opposition is to ensure that we continue with a bipartisan approach with respect to responding to and preventing family violence, so I take that in the spirit that it is offered with respect to the amendments that are here, but I do want to make the point that we have committed entirely to implementing each and every one of the royal commission recommendations, and of course the amendments in part deviate from what the royal commission found and the royal commission recommended.

It seemed to me, as the shadow minister was talking about clauses 54 and 55 of the bill and section 327 of the Crimes Act 1958, that in fact the amendments that are being pursued here are entirely consistent, so it might be somewhat semantic to accept those amendments. With respect to clause 61, in terms of the repeal of unproclaimed provisions providing for self-executing orders, that was a direct recommendation of the royal commission report. But I do take on board the willingness of the opposition to sit down to talk through these issues, and I am sure the Attorney-General will take up that opportunity.

With respect to the reforms that are before the house, can I say that they are indeed modest reforms and they are aimed at improving our current system of family violence safety notices and family violence intervention orders. Amongst that set of reforms we have a rebuttable presumption that children are protected by family violence intervention orders, and this is of course because for too long children have been forgotten victims, even though we know that when they witness family violence they of course are harmed by family violence.

The bill also allows intervention order applications to be delivered by services other than the police. This is to ensure that while their time is better served on other matters other services can take care of that work. The bill extends the maximum period of operation of a family violence safety notice from five to 14 days, and the bill improves the explanations parties are given about how family violence intervention orders interact with any family law or child protection orders.

As I said this is a set of modest reforms, noting that the royal commission had only one year to complete its work and the task of reforming the justice system is of course a monumental one. The women's movement will of course need to continue in its efforts to deliver better legal responses for women experiencing family violence. Moreover, it will need to continue to

champion the call for non-legal responses to violence and for significant investment in expertise outside the legal system, because right now the overwhelming majority of victims of family violence are voting with their feet and avoiding the justice system. They have come to the view, a view shared by the community at large, that it is simply not fit for purpose.

To be fair on judges, lawyers and police, they are not experts in resolving human conflict nor are they experts in human behaviour. They are experts in the law, and they are wedded to a series of legal principles that often conflict with the aims of victims. Yet increasingly, through our parliaments and through our state budgets, we call on them to achieve the near impossible. We need to remember the justice system is just one tool at our disposal. We need to have an honest and reasoned discussion about its achievements as compared to other tools at our disposal, especially in light of the kind of significant investments being made by successive state budgets to these kinds of responses. And we need to accept that while Lady Justice may be blindfolded, there are still significant gender biases within the legal system and among some working within it.

There are of course some elements of our response to family violence that the justice system does well, and improvements of the kind being debated today will no doubt assist to that end. And there are of course people within the justice system who are championing greater reforms. But let us be clear: the best responses around the world to family violence are moving away from traditional justice responses to family violence. Because victim-centred, non-adversarial and non-paternalistic models have all been shown to be more effective.

I have spoken in the house before about the value and lessons we can all glean from Aboriginal culture and the responses of Aboriginal communities to family violence. I saw firsthand in New York programs being run at the Red Hook Community Justice Centre that were achieving fantastic results. Our own Neighbourhood Justice Centre is also innovative, and I know at times it is confronting to traditionalists within the legal system.

And let us not forget, the backbone of our family violence response for generations has been women's organisations running on the smell of an oily rag. They are the true champions and experts in family violence response. They recognise that complex family violence matters require complex family violence responses, not a one-size-fits-all approach. Moreover, these kinds of responses are not only better for victims and their children but actually cost the overall budget significantly less as well.

I am so very proud to be part of a government that is strongly committed to addressing violence against women and children, to a government that is enabling these kinds of debates to shine a light on not only the challenge of family violence but the system that has failed victims time and time again. That is why the royal commission was called for. That is why we will implement all of its recommendations. But I am also proud of our determination to prevent family violence in the first place, to change cultural attitudes and deliver equality for women. That is why we will establish a world-first prevention of violence agency that will focus on the key driver of family violence, which is of course gender inequality. I am particularly proud of our government's establishment of the Victim Survivors' Advisory Council, chaired by Rosie Batty and Kristy McKellar, to drive reforms and keep governments accountable.

We recognise that for too long the voices of victims were silenced, to all our detriment, and not just by a political and legal system that too heavily favours the presumption of innocence over and above a victim's right to safety, but at times by well-meaning people and organisations that have become used to speaking on behalf of victims. We still have some way to go, but victims are speaking out more and more and hopefully are being heeded more and more.

Once it was Phil Cleary, a lone voice in the wilderness talking about the pain and anger at the loss of his sister Vicki at the hands of her former partner, and the failures in the justice system to deliver justice and respect her memory. But there are an increasing number of victim-survivor advocates, including Tarang Chawla, who lost his sister Nikita Chawla. Tarang, Phil, Kristy and Rosie and another eight people are part of that Victim Survivors Advisory Council, a very important group and a very important part of our government's reform agenda.

When I became Minister for the Prevention of Family Violence, with my own lived experience of family violence, I came across very many voices who spoke about their concerns and challenges with respect to the system. There were two particular documents that I drew upon at that time. The first was the Loddon Campaspe Community Legal Centre's *Will Somebody Listen to Me?*: *Insight, Actions and Hope for Women Experiencing Family Violence in Regional Victoria*. The second was a book by US law professor Leigh Goodmark, titled *A Troubled Marriage: Domestic Violence and the Legal System.* Each of these texts is evidence-based and victim-focused.

It was not just because of my own experiences that I found these texts profound, but also because I was receiving weekly letters from members of our community telling me of their own sadness and frustration with the legal system. They were telling me about the retraumatising experience of the courtroom and the failings of an adversarial approach to family disputes, which enabled perpetrators to repeat the violence they dished out in the home by manipulating the legal processes. One victim told me she thought she was challenging one man but found herself challenging a system. I heard story upon story from woman after woman who turned to the law, hoping for validation of their experiences, for support to be made safe at home and for intervention by the state to discipline perpetrators of violent behaviour in immediate and authoritative ways. But these women, in many cases, have been shown to be let down by the blunt instrument of the law.

I am so very proud to be part of a government that is prepared to have a look at the system itself — the broken system — and to look at innovative ways that we can actually reform that system. We will of course implement each and every one of the royal commission recommendations. But we do need to ask some ongoing, very challenging questions of the system. The royal commission had just one year to do its work. The work to end the harm of family violence and respond more effectively to family violence will perhaps take a generation to get right. I am very proud that our government is brave enough to do just that — not just to make the easy reforms but to contemplate much harder ones as well. Each and every one of us in this Parliament has a very important role in ensuring that that happens.

Ms VICTORIA (Bayswater) — I rise to speak on the Family Violence Protection Amendment Bill 2017, and I would like to state that the opposition will not be opposing this bill. We do, however, have some amendments that have been circulated in the house, and I do hope the government takes the time to go through not just the amendments but the reason why we put those amendments there. I understand what the Minister for the Prevention of Family Violence has just said about the intention of the current government to implement all of the Royal Commission into Family Violence findings, but we think that there is always room for improvement. As lawmakers we do need to make sure that laws are current and up to date. It does not mean that a review happens every 10 or 20 or 50 years, but that even if a law is proposed or a new law is brought in that it is able to be revised at any time — and should be if there are better suggestions on the table. I urge government members to have a good look at the amendments in the spirit that they have been given, in the spirit of bipartisanship, and of course this is an area that all parties agree on, so multipartisanship if you like.

Obviously there are some very good initiatives within the bill, but I will say that one of the great frustrations out in the outer east, in the electorate of Bayswater, is that we are so low on police numbers. I have three police stations that service my electorate, and each one is about 30 per cent down on police numbers. Unfortunately it has got to what I would consider to be crisis level, and certainly some of the members who are willing to speak up have said the same thing. When it comes to family violence, if a crew is called out, no matter what time of day or night, they need to spend a lot of time at that address with the victim, with the perpetrator, doing what they think is best to make sure that all parties are safe, and that if redress is needed, that that occurs.

For me, if we look at the crime numbers that have just come through this week, the reportable offences, for example, in an area like The Basin are shocking. They have gone up 76 per cent in one year. I do not think anybody can say that is acceptable. For them to rise at all is unacceptable, but 76 per cent is ludicrous. I know that there is a recruitment drive on at the moment, but I urge the Minister for Police to think very carefully about the deployment of the police as they are coming through and also about the resources that are being used and how they are being used.

I have had police come to me saying that they have been on the job for maybe only as little as five years and they are burnt out. I have got sergeants who have been on the job for 40 years who are burnt out, but you almost expect that — that is what they tell me. But people who have only been in the job for five years are saying, 'We are so tired. We are beating our heads against a brick wall. The ice epidemic is huge'. When there is a substance abuse call-out and they go out, obviously there is an increased personal threat to them. Then they also have to, if you like, babysit those people while they are perhaps tended to in hospital, and that ties them up and stops them from going out for other jobs — perhaps it is a domestic violence job they cannot get to. What is happening in that circumstance is those very limited resources are tied up when in fact they should be off going to the next job and helping the next victim.

The crime rate right across Victoria is obviously not good; in fact that is an understatement. But across my electorate, for which obviously I have looked at the figures, it is distressing not only for me but also for

my local people who have been on the email consistently since those crime figures came out this week, saying, 'This is not good enough. What are you doing about it, Heidi Victoria?'. And I say, 'You know what? What every responsible person does, and that is holding this government to account, because they have not allocated resources'.

It is fine to say, 'We're going to recruit now'. We welcome more police numbers. Under our government we had almost 2000 new police, plus of course all the protective services officers. It was all fabulous but then it stagnated. Now we are playing catch-up, and that is not good enough for the victims of crime, especially those who have been in a situation of family violence. So as much as I commend a lot of the initiatives in the bill before the house, and I will go through some of them, I also need to stand here and condemn the current government for their inaction for a couple of years on police numbers, especially out in my area, where we are in nothing short of dire straits.

I am going to talk a little bit about the amendments as put by the shadow Attorney-General, the member for Hawthorn. I want to commend him for bringing these very well-considered amendments before us. I especially want to pick up on the amendments to omit clauses 54 and 55. If you have a look at clauses 54 and 55, they are relevant to section 327 of the Crimes Act 1958, which is to do with a reasonable excuse for not reporting, so to go against a mandatory reporting regime if you like, especially for the sexual abuse or the family violence abuse of children.

There is a list of what are considered reasonable excuses. On how they come around to that, I think we debated this at length when this issue was before the house last time. It has been said that if a woman fears — and I am saying 'a woman', although it could be a man, but we know that the vast majority of victims of family violence are women — for her safety or the safety of the child or children, then she has a reasonable excuse. I still think that is wrong. I understand — believe me, I understand — but I still think it is wrong, because if we as parents, no matter how abused we may be, do not stick up for our children, who will? If we allow that to continue, then it is on our shoulders what happens to that child later in life, if indeed they survive.

We know that there are deaths every week, and in fact some of the statistics are horrible. One in four Australian women will experience intimate partner violence over their lifetime. About one woman a week is killed by a partner or an ex-partner here in Australia alone. When it comes to children, they are present in one out of every three family violence cases reported to police. The shocking statistic of course is that Aboriginal women are 35 times more likely to be hospitalised by family violence incidences than other women. That is absolutely unacceptable.

I commend one of the recommendations here — that is, the recommendation to allow Koori Courts to deal with family violence. I have sat in on the Koori Court, and I think it is wonderful. Obviously restorative justice has its place. I commend very much the elders who give up their time to help shape the lives of young community members to then hopefully go on and be more responsible and contribute better later in life.

The cost of violence against women in the Australian economy was considered to be just under $22 billion a year in 2015. That was the statistic, so it is a horrendous amount.

The royal commission made a whole host of recommendations, and the bill before the house is an opportunity to implement some more of those recommendations. As I say, we are incredibly supportive of most of them. We have circulated amendments that we would like to put forward. I believe those amendments have been very well considered, and I would urge the government to at least look at them, not to say, 'We will let it through; we have got the numbers', but to look at why we have brought those amendments to the house, consider them and consider whether they actually make what the government is doing just that little bit better and smarter — and we think they will. I ask government members to put their pride aside and have a look at the amendments, consider why they have been brought forward and, if they are good, pursue them for the sake of all women, children and those who have family violence issues and those who are perpetrated against so that they may move forward.

I wish the bill a speedy passage through both houses, but I would say that I do recommend that the house vote in favour of the amendments the opposition has circulated.

Mr CARROLL (Niddrie) — It is my pleasure to speak on the Family Violence Protection Amendment Bill 2017. Family violence is the number one law and order issue in not only the Victorian Parliament but indeed parliaments right around Australia. We all to this day remember with shock the killing of Luke Batty at the hands of his father. No-one, neither side of politics, could stand by and let that tragic death go unnoticed.

We have heard time and again from courageous women, like Rosie Batty herself, who come out and

speak about their experiences with family violence. Indeed in the very place we are standing in right now Rosie Batty gave a very eloquent address on her circumstances off the back of her appointment as Australian of the Year. They tell the story, though, that family violence does disproportionately affect women, in particular women from culturally and linguistically diverse backgrounds, women with disabilities and women within Aboriginal communities along with women who are pregnant, women who are about to give birth and women who have told their partner that they wish to leave the relationship.

The statistics are there. We see them day in, day out, and it is an issue that has been at the forefront of the work of the Andrews Labor government for some time. I am proud to be part of the Andrews Labor government, which since day one has taken the issue of family violence seriously, as evidenced by the appointment of the Minister for the Prevention of Family Violence and the royal commission headed by Justice Marcia Neave.

I joined the Parliament in 2012. I can remember the then opposition leader, now Premier, addressing our party state conference — and you were there, Acting Speaker McGuire — in 2014, not long after the tragedy of Luke Batty. He said then that he was going to set up the royal commission, and above and beyond that he said he would implement every one of its recommendations. Here we are today, fulfilling that commitment by making sure that the 227 recommendations of the royal commission are all implemented.

Family violence is the number one law and order issue in Victoria. The minister spoke very eloquently, and I remember watching her story on *Australian Story* on ABC television. I did not know the minister's background, and it was very touching to hear her personal circumstances and the experience that she herself brings to the role.

As I said earlier, the royal commission did make 227 recommendations. *Ending Family Violence: Victoria's Plan for Change* details how the government will deliver these recommendations and build a new system that protects victims, holds perpetrators to account and changes community attitudes.

I just want to go back to a quote I have here. When Rosie Batty spoke in this place, she said:

> A lot of people still do not see this as a gendered issue. They still cannot quite grasp how it could be a gendered issue. Surely it is because of drug and alcohol problems, surely it is those people with mental illness, surely it is not because of people like us and our attitudes. You are the leaders of the country, you have huge power and influence, and it is every bit people like you, me and everybody who contribute to this situation.

We do need to look at our attitudes, our institutions and our values and recognise that there is a way that they can have an impact on women and how they are treated in society. We need to make sure that we educate our children about how to interact with one another. We need to make sure we create an environment where men believe that it is not okay to perpetrate acts of violence against women, particularly women they are supposed to love.

It is very important that this legislation is passed and that it is passed in a very timely fashion. This bill is very important and goes to the heart of why we are trying to make sure that women are safe. I had the pleasure just recently of representing the Attorney-General at the 10-year anniversary of the Neighbourhood Justice Centre. Judge Alex Calabrese from New York was a guest, and he gave us a good run-down on how the investment in therapeutic justice, the investment in alternative measures beside the courts, can really drive down recidivism rates and rates of family violence. We are seeing it through the Neighbourhood Justice Centre.

I think the Attorney-General is also to be commended for some of the work he has done in terms of launching new online application forms for intervention orders to make sure the process is speedier, more effective and more resilient and that it is done as soon as possible.

I held a forum out in my own electorate, at Penleigh and Essendon Grammar School, and the minister came. It was very well attended. Ever since then, whether I am at my local RSL or local footy club, it has been amazing how many people have come up and said to me, 'I was at that forum, and I have a daughter who has been affected by family violence' or 'I have a sister who has been affected by family violence'. It is the number one issue. More and more women are affected by it, and we need to make sure that Parliament does its job to protect women.

That is why we are creating a rebuttable presumption that children are included in family violence intervention orders to ensure that children who experience family violence receive appropriate protection, thus fulfilling recommendation 22.

We are allowing courts to order applications and family violence intervention orders to be served by means other than personal service. We are clarifying the courts' power to strike out family violence intervention order appeals where the appellant fails to appear. We

are extending the maximum period of operation of family violence safety notices from five working days to 14 calendar days. This will give the parties more time to prepare before the first court date. That fulfils recommendation 76.

We are also repealing the system of self-executing orders that was introduced in the Family Violence Protection Amendment Act 2014 but has not commenced. That fulfils recommendation 78. We are also requiring the courts to explain the interaction between a family violence intervention order and any family law or trial protection orders so that the effect of these is better understood.

It is very important within the justice system to talk about the courts but also to make sure that our Director of Public Prosecutions is adequately resourced. We are going to require the Director of Public Prosecutions to approve prosecutions for the 'failure to protect' offence in section 327 of the Crimes Act 1958 as an additional safeguard for accused persons who are victims of family violence.

The bill expands the recorded evidence-in-chief provisions for children and cognitively impaired persons to proceedings for family violence offences. That fulfils recommendation 72. The bill establishes the Victorian systemic review of family violence deaths unit in legislation. This unit supports coroners to formulate prevention-focused recommendations that aim to reduce family violence. That fulfils recommendation 138. The bill allows the Koori Magistrates and County courts to deal with contraventions of family violence safety notices and family violence intervention orders. That fulfils recommendation 150.

The bill also strengthens local leadership by requiring councils to include measures to prevent family violence and respond to victims' needs in their municipal public health and wellbeing plans. That fulfils recommendation 94. The bill amends the Family Violence Protection Act 2008 to allow the chief executive officer of Court Services Victoria to approve counselling providers. It also amends the Coroners Act 2008 to allow coroners to publish information about family violence intervention orders and proceedings. We are very committed to do everything we can to ensure that our future Victorians, particularly our women, grow up in a society free from harm.

I cannot finish without addressing some of the comments of the member for Bayswater. They were quite ridiculous. Just last week I spoke at the Victoria Police Association's annual delegates conference. Just before that, the association's secretary, Ron Iddles, said that the Andrews Labor government not only talks the talk but walks the walk. There has been a record police budget — $2 billion — police custody officers are putting more police out on the beat, our police academy is going around the clock, we are putting in more and more resources and we have carjacking and home invasion legislation, and the member for Bayswater has the gall to talk about the drug ice. The committee report was handed down on her government's watch, and what did former Premier Napthine do? He added 12 sniffer dogs. You did nothing on the drug ice, and you wonder why you were thrown out after one term. It is because you did nothing.

This government takes a fight up to and is tackling the drug ice. The Premier sits on his own ice action task force. He says the buck stops with him, while all your Premier did — your second Premier in four years — was add 12 sniffer dogs. This was after the inquiry's report was handed down on your watch. You wonder why you were thrown out in one term. I can tell you why again: you did nothing. Start doing some policy work, and bring some new blood in and actually bring some more women in. You want to delay the debate on family violence. You need more women on your front bench, you need more women coming through your preselections and you need to try to do something.

Ms Asher interjected.

Mr CARROLL — Yes, but who replaced you? A man. That is how much you stood up for women. You let a bloke replace you. I think your actions speak for your words, member for Brighton, and that is all that needs to be said on that matter.

Mr McCurdy — On a point of order, Acting Speaker, can I say that the member has strayed not just a little bit from the bill but has gone far and beyond where he needs to be. Instead of him talking about sniffer dogs and everything else he wants to go back on, about which we always get a contribution, can I suggest he gets back to the bill.

Mr CARROLL — I am always happy to support women on both sides of Parliament.

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

Mr McCURDY (Ovens Valley) — I am delighted to rise and make a brief contribution to the Family Violence Protection Amendment Bill 2017. The house has heard from the member for Bayswater and the member for Hawthorn that this bill gives the courts powers to strike out an appeal under the Family

Violence Protection Act 2008, particularly when the appellant fails to appear at the mention date or the hearing of an appeal. It also provides that the first mention date for family violence safety notices must be within 14 days of the respondent being served, and it also establishes a rebuttal presumption that, if an applicant for a family violence intervention order has a child who has experienced family violence, that child should be included in the applicant's family violence intervention order or in a separate order.

The bill also goes on to provide that certain documents, such as family violence intervention orders, can be served by an alternative service, which I think is common sense. As we know, most of these recommendations have come out of the Royal Commission into Family Violence. As members would have heard from the member for Hawthorn, he has circulated some amendments and I do hope the government considers these amendments.

The member for Niddrie was talking about one-term governments, and I think that it is really important that if this government does not want to be a one-term government its members should also consider looking at the amendments that come from the other side, because they cannot claim to be the fount of all knowledge just because they sit on the government benches.

We know that family violence is a scourge on all our communities, whether they be regional or metropolitan. I know in my own electorate in Wangaratta, Yarrawonga and Cobram those numbers are growing; sadly, they are growing on a monthly basis. It is important that we address it as a community. Family violence is certainly non-negotiable. There are no excuses; there is no need for it; and there is certainly no place for family violence. Violent crimes have certainly been skyrocketing in Melbourne. Some of that was talked about in the previous bill about the drug ice and other drugs, but certainly in my electorate crime has been going up by 10 per cent to 12 per cent in the last 12 months. Family violence is part of that crime wave, and there is also a drug wave.

As I said, I am only going to make a brief contribution. I do hope the amendments are considered. In our communities we have got children and parents who are all working to not only be safe but to feel safe. It is important because this is a community problem and it needs a community solution. That community solution needs to come from leadership by the government. Again, as I said, the opposition amendments should be considered. Zoe Buttigieg, a young child from Wangaratta, was murdered a couple of years ago. It is just so sad when we see what does take place, and certainly when we see family violence and other violence in our communities. As I said, we are not opposing the bill, but we would like the government to consider the amendments. With that, I commend the bill to the house.

Ms THOMAS (Macedon) — It really is a pleasure to rise to speak on this bill. I would like to commend the member for Niddrie on his contribution and make the point that on this side of the house almost 45 per cent of our caucus is made up of women and almost 50 per cent of our cabinet is made up of women. The difference that this has made is that issues that are of real concern to women are addressed with all the effort and seriousness they require.

I am very, very proud of this signature piece of work of the Andrews Labor government — that is, Australia's first Royal Commission into Family Violence and its commitment to deliver on every one of the 227 recommendations of that royal commission. That will mean putting substantial funds behind that commitment. That is something, I have to say, that those on the other side of the house have been very silent on. It is all well and good to get up and say you support the royal commission, but you must put your money where your mouth is. I look forward to the opposition making policy commitments and budget commitments as we move into 2018 to demonstrate whether or not they are serious about this.

I need to make it clear that we are opposing the amendments proposed by the opposition, and the reasons for that are simple and clear. Clauses 54 and 55 implement a recommendation of the royal commission. We have been very clear. We are implementing all of the commission's recommendations, including this one. The amendments will ensure that the Director of Public Prosecutions takes a closer look at their cases to ensure the offence is used appropriately, particularly where there is a family violence component. I just want to make sure that that is on the record. I want to make it very clear that we are opposing the amendments and the reasons we are doing so.

I for one will never forget 26 November 2015 in this place. We had an extraordinary sitting where we heard directly from the Chief Commissioner of Police, Rosie Batty and other advocates and people working within the family violence sector. I want to particularly put on the record my commendation of Kristy McKellar, who spoke that day. That was the first time I had the opportunity to meet with Kristy. I am delighted to say that I have met with her many times subsequently. Kristy is an extraordinary young woman. Her bravery, her courage and her generosity in the way she has

devoted herself to campaigning for justice for victims of family violence, to prevent family violence and to ensure that the community is left with no uncertainty about the prevalence of family violence has been astounding. I was delighted to see that Kristy was this year inducted into the Victorian Honour Roll of Women, thereby earning a well-deserved place in the history of this state.

This bill comes to the house today as part of this government's resolute commitment to deliver on each and every one of the 227 recommendations of the Royal Commission into Family Violence. We established that royal commission because, be in no doubt, family violence is the number one law and order issue in this state. More than 78 000 family violence incidents were reported to Victoria Police in 2015–16. That figure has increased by over 45.3 per cent since 2012. I think we all understand that in part that increase is due to better policing by Victoria Police, greater confidence in the community amongst women in being able to call the police to assist them and of course the work that we on this side of the house have done in collaboration with the unsung heroines of the women's movement and of women's services, who have been talking about this issue for a long time. It was a fortunate intersection of the work of the community sector and a political party that had the will to take this issue as a commitment to an election, which is quite extraordinary when you think about it. I would hazard a guess it is something that would have been impossible to imagine even just a decade ago.

Ending Family Violence: Victoria's Plan for Change details how the Andrews Labor government will deliver on these recommendations to build a new system that protects victims, holds perpetrators to account and changes community attitudes. To begin implementing the recommendations, the government has made a significant initial investment of $572 million in our family violence system. The Family Violence Protection Amendment Bill 2017 responds to a number of the royal commission recommendations which aim to improve the operation of the system of family violence safety notices and intervention orders and the response of the justice system to family violence.

I am not going to talk to those in any detail because I want to note that the amendments also look to do something that I believe is really very important here, and that is to strengthen local leadership on this issue by requiring local government to include measures to prevent family violence and respond to victim needs in their municipal public health and wellbeing plans and to provide information about those measures to the Secretary of the Department Health and Human Services. That was recommendation 94 of the royal commission.

This is really important. In my own electorate Macedon Ranges Shire Council participates in the local safety committee, of which I am a member, as well as the Cobaw Community Health Service, our fabulous local police led by Inspector Ryan Irwin and our schools and others. The local safety committee has identified family violence as a key issue to work on in the Macedon Ranges. The local shire has already done some fantastic work in this area. On the back of that I developed my own awareness campaign in the Macedon Ranges shire where I invited community organisations to get involved with me in creating an opportunity to come together to make a banner about standing against family violence and to take the opportunity to learn more and understand the local services that are available.

This campaign has been extraordinarily successful in the Macedon Ranges, with more than 35 local organisations participating, including Kyneton Football Netball Club, the Kyneton branch of Bendigo Bank, Gisborne Secondary College, Lions Club of Kyneton, Neal Street Medical Clinic, Riddells Creek Country Fire Authority (CFA), Riddells Creek Neighbourhood House, Riddells Creek IGA, Kyneton Tennis Club and the Lancefield CFA brigade. As you can see, a whole range of community groups and organisations have gotten on board.

I am really delighted that Hepburn shire have this year indicated that they want to join with me in promoting an awareness campaign across my electorate. I look forward to working with community groups and organisations in the Hepburn shire to raise awareness not just of the existence of family violence — I think we are all quite clear about that now — but to give hope to women and children, who are predominantly the victims of family violence, that help and community understanding are there. Good people stand in solidarity with the victims of family violence, like members of this house. We are there ready to give assistance to make sure that we are doing what we can to end the scourge. I commend the bill.

Ms ASHER (Brighton) — I too wish to make a number of observations in relation to the Family Violence Protection Amendment Bill 2017 and to support the amendment that has been moved by the member for Hawthorn. I have had the opportunity to be involved in forming policy on family violence from the early 1990s, when I was a backbencher in the Kennett government and was asked by one of the ministers to do some work on this. I have a lot of experience and interest in this particular policy area.

Whilst I spoke on the take-note motion in this house, I have not had the opportunity to speak on the various bills that the government has brought forward to implement the royal commission recommendations, so I would like to take this opportunity to just make a couple of observations of history and of context before I move on to the specific provisions of the bill before the house.

Of course one of the most significant pieces of work in this policy area was the *Betrayal of Trust* report, which was undertaken in the previous Parliament. I cannot help but reflect, as members of the public today would be thinking about what their MPs do and the calibre of their MPs, that unfortunately the amount of media coverage on a piece of good work like the *Betrayal of Trust* report pales into insignificance compared to the vast media coverage of lesser behaviours by members of Parliament. But I thought that work, where there was significant agreement across parties, was a very, very high-quality piece of work which obviously provided a lot of the basis for the government in the work that they are doing, which is supported by the opposition.

The government of course established the Royal Commission into Family Violence, and again the opposition have on numerous occasions indicated not only our support for the establishment of that but our support for those recommendations. The government then responded to the family violence royal commission with their document *Ending Family Violence: Victoria's Plan for Change*. As I said, in my 25 years in this place there has been significant attention on family violence in terms of the services provided for victims, the law and policing — all of those things — but it is fair to say that over the last few years we have seen a significant increase in activity.

I want to refer to the second-reading speech, as the member for Macedon did, in terms of the figures of family violence. In the year 2015–16 over 78 000 family violence incidents were reported to police, which is a staggering 45.3 per cent increase since 2012. In the modern context we are seeing a significant increase in family violence. People can speculate as to whether more is being reported or indeed more is being perpetrated, but nevertheless those figures are incredibly stark.

The bill implements some of the recommendations of the royal commission, and the government has introduced legislation previously to implement other parts of the royal commission recommendations. Indeed I note yet another piece of legislation is on the notice paper for that. I just want to refer to the summary and the recommendations of the royal commission, if I may. On page 1 a particularly significant point is made:

> Family violence can cause terrible physical and psychological harm, particularly to women and children. It destroys families and undermines communities. Sometimes children who have directly experienced family violence or have been exposed to it go on to become victims or perpetrators of violence later in life, so that the effect of family violence is passed to the next generation.

Whilst I think there was a general awareness of that in the 1990s, I suspect the emphasis on that and its significance in a generational context has become more pronounced in recent times. At page 5, if I may quote from the commission's conclusions, because this does link the work of this Parliament to previous parliaments, the report says:

> Victoria has been at the forefront of family violence policy development and reform in Australia for the past 15 years and has been influential in propelling reforms in other Australian and international jurisdictions. This work has been driven by and has built on decades of grassroots work and advocacy by the women's movement. Significant elements of the Victorian response to family violence remain sound. However, there are serious limitations in the existing approach. We are not responding adequately to the scale and impact of the harm caused by family violence.

This bill before the house is an attempt to look at some legal reform. Obviously the government has a vast array of recommendations in the services area, in the policy area, in the courts and in the health system, but the government is dealing in this bill with a number of legislative reforms in relation to court procedures and practices. This bill in particular makes a number of specific changes, and the first change is one to family violence safety notices. Currently those notices must be issued within five days, and the second-reading speech makes very clear that the government thinks sometimes, in certain circumstances, that speed could be detrimental. The reform within the bill is to allow this to occur within 14 days. Again, the member for Hawthorn expressed some provisos on that, which I agree with, but that is a reform that is supported.

The second major change in the bill is the rebuttable presumption clause. Basically at the moment there are provisions to rectify the fact that sometimes children are not being protected. This particular bill will require the court to cover the child either in the general family order or a specific order if they are going to be affected by family violence, but this will not be obligatory if the child's protection is not at risk. It seems to me to be sensible.

The third major change put forward in the bill is to provide that documents such as family violence intervention orders can be served by means other than

personally. Again, the second-reading speech and previous speakers have gone on to explain why of course this is such a heavy demand on police resources. If other, more sensible means that are equally as effective are available, then the bill will allow that to happen. The bill will allow a court to order an alternative if an alternative is possible.

The fourth major change in the bill before the house addresses the circumstance where perpetrators fail to appear in court and use that failure to appear as a delaying tactic. The bill will give the courts power to strike out appeals when this particular delaying tactic device is used. Again, that would appear to me to be particularly sensible. The bill also makes changes to the ways evidence can be given for family violence and makes changes to the operation of the Koori Court and its jurisdiction. Again, that would appear sensible on the face of it. It is an important bill, and as I indicated earlier it is one of many bills that the government has already and is in the process of bringing before this house.

I want to make a general comment in relation to the amendments that were circulated by the member for Hawthorn. I heard the member for Macedon say the government will not accept these amendments on the basis that it wants to implement every single recommendation of the royal commission in their absolute purest form. To be fair to the member for Hawthorn, he prefaced his comments by saying he understood why the government may not accept the amendments that were circulated by the opposition, but I think it is important to examine the reasons he put forward for that.

The proposition is to withdraw clauses 54 and 55 of the bill before the house on the basis that written into the Crimes Act 1958 at the moment is an offence for failure to disclose that a child has been sexually abused unless there is a reasonable excuse for not reporting those child sexual offences. Clauses 54 and 55 provide that prosecutions cannot be started without the consent of the Director of Public Prosecutions. The opposition's view is that this may not be necessary. I thought the shadow Attorney-General and member for Hawthorn put this very succinctly. He is not saying do not implement the recommendation of the royal commission; he is simply saying this may not be necessary. His proposition is that because of the reasonable excuse provision currently in law this particular matter is already covered, so we are looking for further explanation of this. But, as I said, this is an important bill before the house. It is one I am pleased to speak on, and I wish it a speedy passage.

Ms KNIGHT (Wendouree) — I am really proud to be a member of a government that is working to protect women and children from family violence. When announcing that an elected Andrews government would establish a royal commission into family violence the now Premier said, 'Family violence is a national emergency, and only a royal commission will find the answers', and he was absolutely right about that. The Andrews government has kept the commitment to a royal commission, and we are standing here today debating one of the many outcomes of that.

The Andrews government has recognised the importance of the Royal Commission into Family Violence's work by accepting each and every one of the recommendations made by the commission, but most importantly the Andrews government is taking concrete actions to address the causes, conduct and consequences of family violence, and this is what women and children, who are all too often victims of family violence, deserve. They deserve to live their lives free from the threat of family violence, and the bill currently before us is part of achieving just that.

The royal commission's report, tabled in March last year, contains, as we all know, 227 recommendations. The implementation of many of these recommendations is being undertaken in part through the Andrews government's $572 million initial investment in the family violence system. But a number of the recommendations require significant changes to our laws, and a number of those changes are contained within the bill currently before the house, the Family Violence Protection Amendment Bill 2017. The main rationale for this bill is pretty simple: to improve the system of family violence safety notices and family violence intervention orders and to improve the justice system's response to family violence. These changes are about providing a system of family violence safety notices and family violence intervention orders that better protects victims of family violence.

When considering bills in this house we can often focus on the technicalities of a matter, and that is as it should be. There really is an important place for that. For the laws we make in this place to achieve the intended purpose of the Parliament, technicality and precision are really important. But there is also a place for recognising the human need for the laws we make — in the case of this bill, the terrible cost of the harm caused by family violence — and the harms done to women and children through acts of family violence are horrific.

Just this week the *Courier* reported on the sentencing of a man convicted of family violence. This report detailed how the prosecutor spent 45 minutes reading a

summary of the accused's offending. According to the report this included holding pillows over the victim's face and on another occasion threatening to have her daughters raped. Each of us can try to imagine the impact this kind of family violence has on a woman and on her children, but I hope that none of us in this house ever knows the level of fear that the victim of this terrible crime must have felt. The impact on women and children of family violence is something that we just cannot allow.

A common feature of family violence, as is most clearly exemplified by the matter I just mentioned, is violence or the threat of violence and an emotional attack on victims. It is about power and actions that seek to diminish those who are subject to family violence, as we heard the minister mention before. This has multiple effects on the lives of women and children who are subjected to family violence. Women can lose their jobs, and in fact have lost their jobs, through being unable to attend work as a consequence, and that underlines the real importance of and real need for family violence leave. Women and children can lose their homes, and that underlines the absolute need for housing support. Women can become isolated and lose or be unable to access support networks, even when the isolation is not a result of distance. Women can be isolated through fear, stuck in their homes. This highlights the need to provide a wide range of supports and information to women who are victims of family violence and to provide it in a wide way. This is where we can use technology at its best.

The lives of those subject to family violence, including the lives of children who are exposed to family violence, matter. They are a part of our community that deserves and needs us to act. While I am sure all members of the house abhor family violence, it is the Andrews government that is taking the most comprehensive action ever undertaken in Australia to support victims and address the drivers of family violence. There are communities all around the world that watched the royal commission, saw its recommendations and are watching what we are doing and following that with great interest. Perpetrators must be held to account, and we need to change attitudes towards women and children in our society.

The bill currently before us is important because it will improve the operation of a number of the legal responses to family violence. It includes providing greater protection for children who experience family violence in the application of family violence intervention orders, and that is implementing a recommendation of the royal commission. Allowing for family violence intervention orders to be served in some cases by methods other than being personally delivered to the relevant person will speed up the process and will make sure that valuable police resources are more effectively used. Importantly any alternative method of serving documents does not apply to family violence safety orders.

If I can return to the effect of family violence on children, the bill allows for children and those with cognitive impairment to provide prerecorded evidence, as provided for in the Criminal Procedure Act 2009, for family violence orders. Giving evidence in a family violence-related matter can be a really traumatising experience for any person, and it can be particularly traumatising for a child, who may not have the ability to reflect on and think about what is happening. This also recognises that some people in our community can be particularly traumatised by giving evidence in the physical presence of a person who has perpetrated family violence against them. We have all read, and I have heard firsthand, accounts of women who feel they are being reabused through the court system, particularly in having to face the perpetrator.

The bill also procedurally provides for better protection of children who have experienced family violence, as I mentioned before. This is not limited to personally experiencing physical violence against them but includes being present when family violence is perpetrated or being in some way exposed to the effects of family violence. I remember that 30 years ago, when I started working in this field, we rarely had particular workers for children when it came to family violence. There are now people who are specifically skilled and trained in that area, as there should be.

I think we all agree that society has a particular responsibility to protect vulnerable children from harm. Providing a rebuttable presumption means that, where a person who has applied for a family violence order has a child who has experienced family violence, the child should be included on the family violence order or separately protected by their own order being provided.

Finally, I want to speak to the portions of this bill that will allow for courts to strike out appeals against a family violence intervention order if the applicant fails to appear at a mention date or at the hearing of an appeal. I think that is really important. There is that real aspect of power and control associated with family violence, and this can continue through the abuse of the processes of our justice system.

It is important that people are able to appeal matters determined in courts, but these processes cannot be misused by appellants to harass and intimidate victims

further. When victims have matters unresolved because perpetrators use processes in our justice system to cause delays, then those victims are the ones that suffer. This is a further harassment of the victims by perpetrators. I wish this bill a speedy passage through the house.

Mr WATT (Burwood) — I rise to speak on the Family Violence Protection Amendment Bill 2017. It is interesting to have listened to the contributions throughout this debate. Many people have been talking about victims of violence. I do not think any person in here would say that family violence is not important or that dealing with the scourge of family violence is not important. For me what is also important is to make sure that when we talk about family violence we do not exclude people who are hurting. There are lots of people who are hurting because of family violence.

I am sure that people can understand that over the last year and a half I have had quite a few people who I do not know contact my office to tell me their stories. I regularly have contact with a gentleman — who is not from my electorate, mind you — and he tells me about his experiences with family violence when he was a young child. He feels left out of the system, as many people feel left out of the conversation that many of us have in here. I think the words that we speak in here are very, very important. This is why when I get up to speak on these types of issues I do not do it in a way to try and inflame anything or argue so much with members of the government.

But I do think it is important when we talk about family violence, particularly when we talk about children, that we do talk facts. I realise that my statistics are nearly two years old, but they are consistent with statistics over a five-year period that I have been able to ascertain from the Crime Statistics Agency. Those statistics show that over 40 per cent of the time when a parent is the other party in a family violence incident where the victim is under 15 years of age it is the mother or stepmother. When we talk here I want to make sure that we do not exclude those people, many of whom feel as though they do not have a voice.

It does not matter how many times I see these statistics over a long period of time. I am keeping in mind that since 2012 we know that incidents have increased by 45 per cent, as has been discussed by some members here. I am accepting that statistic. I have not checked those numbers as of today, but I am happy to accept that statistic. But the breakdown is very similar — male/female, victims/perpetrators. It is all very similar, but of the affected family members under the age of 15 — where a victim of violence is under the age of 15, so 14 or under — 48.3 per cent of the time we are talking about a male.

It is great to speak in statistics, but statistics do not speak to people. What speaks to people is recognising the hurt that every single one of those people feels. It does not matter whether you are part of the 51.6 per cent. We should keep in mind that the Crime Statistics Agency does not always identify victims as male or female. I am not saying that they do not identify themselves; it is just statistics. We are talking about 51.6 per cent female and 48.3 per cent male affected family members under the age of 15.

This is important because of how each and every victim feels. It does not matter which category you fall in. If you are a victim of family violence, the system should support you regardless of whether you are male or female, regardless of whether the perpetrator is male or female and regardless of whether the perpetrator was your mother, your father, your brother or your sister.

I only raise these statistics as a counterbalance to some of the other statistics and some of the other arguments. One particular member spoke about family violence being gendered. It is indisputable that family violence prevalence increases in certain areas. Family violence prevalence increases where we have an abuse rate of things like drugs and alcohol. I am not trying to say in any way that these are the only things that affect family violence. What I am telling you is that all you need to do is get out there and speak to people, and they will tell you that it is undeniable that these things are contributing factors. I am not denying that there are some contributing factors when it comes to gender, but gender is not the only thing that plays into family violence. It is not.

When my family talks about their experiences, they do not talk about it in gendered terms. They do not. It does not matter whether you are male or female as a victim. It does not matter whether your perpetrator is male or female. What matters is whether you are supported by the system.

One particular member here talked about 26 November 2015. I remember that day very clearly. It does not trouble me at all that members on the other side remind me of that day, because I do remember that day. I remember that I feel as though what I should have done, not knowing what was going to transpire that day, is make sure that someone with some experience in counselling was answering my phones that day. What my staff had to go through listening to victims of violence! Those victims were not just men or just women, but the mothers and sisters of many victims of

violence. If I had my time again, that is the reason why I probably would have handled things a bit differently. My staff should not have had to deal with the barrage of victims who were contacting my office for support because they felt as though they were not getting it. They felt as though they had not been getting support for a long time. Many of them feel as though they are not going to get support into the future.

I would ask that the government make sure in all of their rhetoric that they do recognise that when we talk about victims of violence — and I apologise because my statistics are not this year's statistics, but they are Crime Statistics Agency statistics — up to June 2015, in that year, 50.81 per cent of victims of domestic violence were female victims of violence by their former or current male partner. Now, that is over 50 per cent, and it is too much. I am not disputing that; it is too much. All I am asking is that the government recognise that while 50.81 per cent of victims are female victims of violence at the hands of their current or former partners, I can almost guarantee these statistics have not changed too much over the last two years. While the numbers go up, the balance of males and females and perpetrators and victims does not change. All I am asking for is that the government recognise that there are in the statistics another 49.19 per cent who are not being heard by the government; they are not being heard by many people who deal with this problem. We need to recognise that the problem is not just female victims and it is not just male victims.

I hear the government talking about women and children, and that is important when recognising that 48.3 per cent of all those children the government talks about are males and 40 per cent of those children that the government talks about have been victims of violence by their mother. My family has experience in this; this is not just statistics for me. All I am asking is that the government recognise that it is a much bigger problem than just women and children at the hands of their male partners.

Mr McGUIRE (Broadmeadows) — Responding to family violence is a landmark reform of Victoria's 58th Parliament. From the Premier's leadership in establishing the first royal commission into this endemic issue to the testimonials we all witnessed in this house and to the largely bipartisan support, we have witnessed the evolution of generational, cultural and systemic change, and this is the critical point.

I would like to acknowledge contributions particularly today from the Minister for the Prevention of Family Violence and commend her for her courage, her insight and the breadth of her understanding. She has outlined how we need responses beyond the justice system. We need to have innovative reforms that are not adversarial, that are evidence based and that are victim focused, and I commend her on the work that she has done over a long period of time in trying to make sure that the government comes to a whole series of measures that are beyond the adversarial framework of the criminal justice system.

I also want to acknowledge other contributions that were made. The member for Hawthorn made a considered contribution in good faith and proposed a series of amendments. I just want to respond on behalf of the government to some of the propositions he raised. On the failure to protect offence the bill provides in clause 54 that the Director of Public Prosecutions (DPP) must consent to a prosecution for the failure to protect offence under section 327 of the Crimes Act 1958. This section provides that an adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 must report that information to police unless they have a reasonable excuse for not doing so. Failure to disclose the information to police is a criminal offence.

The amendment in clause 54 also provides that in determining whether to consent to a prosecution the DPP must consider whether the alleged offender has been subjected to family violence, within the meaning of the Family Violence Protection Act 2008, that is relevant to the circumstances in which the offence is alleged to have been committed. The government's thinking on this has been informed by the royal commission. The amendment responds to recommendation 30 of the royal commission to require the DPP to approve a prosecution for the failure to protect offence in cases where the alleged offender is a victim of family violence.

The royal commission had concerns about the application of section 327, including the defences of section 327(3)(a) in cases where the alleged offender has been subjected to family violence. This section provides that a person has a reasonable excuse for failing to report a sexual offence if they fear, on reasonable grounds, for the safety of any person, other than the person believed to have committed the offence, were they to disclose the information to police and the failure to disclose is a reasonable response in the circumstances.

However, because the offence has only been in force since 27 October 2014 the royal commission thought repealing it would be premature. In the meantime the approval of any prosecution by the DPP was recommended, as well as guidelines on the exercise of

the discretion. The requirement for the DPP to consent to a prosecution for the failure to protect offence will provide an additional safeguard for the accused who has been subjected to family violence.

The opposition have put forward their amendments, and they say that the provisions the government has proposed may be unnecessary. They say the existing reasonable excuse provisions in section 327 are adequate. The advice I have received from the government's perspective is that the royal commission does not agree with that view. A number of submissions to the royal commission also disagree with that view. Stakeholders that the government has consulted with in developing this bill do not agree with this bill. These include the Commission for Children and Young People, the Women's Legal Service Victoria, the Aboriginal Family Violence and Prevention Legal Service, Victoria Legal Aid and the Victorian Council of Social Service. On balance the government does not agree with that view; that is the position that the government has taken.

I hope that that gives the background and the context from the government's perspective, particularly coming from the royal commission. However, I do want to acknowledge that the member for Hawthorn provided a considered proposition to the Parliament, and I think he acted in good faith on this issue to try to avert a problem that we are all trying to avert. I just want to put that on the record. We have to continue to work in a bipartisan way on issues of this significance. This is the critical proposition at which the Parliament works best. People want us to actually get on and deal with the substantive issues that are of such note in a cultural, generational and systemic way.

Moving on to the overall objectives of the Family Violence Protection Amendment Bill 2017, it is founded on the basis that it will implement a number of the recommendations of the Royal Commission into Family Violence, all of which have a time frame of within 12 months. All but one of these recommendations focuses on improving the system of family violence safety notices and family violence intervention orders (FVIOs) and the response of the justice system to family violence. The remaining recommendation will assist in creating a stronger role for local government in local leadership for family violence prevention and response. As I said, the minister has sought world's best practice on how we broaden out our response not just as a government of the day but in a community way to address this issue in the neighbourhoods, in the streets and in the families where it occurs.

The bill amends the Family Violence Protection Act 2008 to allow the chief executive officer of Court Services Victoria to approve counselling providers under the act and also the Coroner's Act 2008 to allow coroners to publish information about FVIOs and proceedings. They are the key propositions of the bill. I just wanted to respond to the member for Hawthorn in detail, to put it on the record and to respond to him in a timely fashion on the government's thinking and how it has been informed by the royal commission.

So the 10-year family violence strategy, *Ending Family Violence: Victoria's Plan for Change*, states as a first-stage priority that the government will introduce a passage of critical law reforms this year, including the amendments as outlined. The aim is to improve the intervention order process to better protect victim survivors and to tighten the bail process so that the risk of family violence is appropriately considered. The Attorney-General and the Minister for Police referred to reforms to the FVIO system and recorded evidence provisions in a media release in November 2016 entitled 'Bringing family violence perpetrators to justice'. The media release was part of the launch of the 10-year family violence strategy.

In summing up I would like to just draw those issues together — that this has been a proposition that will be a landmark of the 58th Victorian Parliament from the royal commission and from the resources that the Premier and the Treasurer have committed to to drive this. The Attorney-General is to be acknowledged for his hard work in bringing in this legislation, as is the Minister for the Prevention of Family Violence. I think it is also important to acknowledge that the opposition are putting forward propositions that they feel are in the public interest and will help protect victims and survivors, and that includes children as well as adults. In making this contribution hopefully I have outlined the government's thinking, as framed by the royal commission and its views, and put on the record the other key stakeholders who support this position. With that, I would like to commend the bill to the house.

Mr GIDLEY (Mount Waverley) — I rise this afternoon to make a contribution to the Family Violence Protection Amendment Bill 2017. There has been wideranging debate on this bill in the chamber on a number of fronts, including in relation to the amendments moved by the member for Hawthorn as well as on a number of other technical fronts about the bill. I certainly support those amendments — those, if I could put it, very well-considered amendments by the member for Hawthorn.

I also want to touch on a very important aspect of reducing the prevalence of family violence and the important aspect of dealing with the ugly scourge — the inexcusable scourge in Victoria — within some families. That involves ensuring we have sufficient resources for our police because it is often the case where there is family violence, there is a police response that victims of family violence for their own protection deserve. They deserve to be able to have confidence that, if they take the very brave decision to reach out for protection — if they take the very brave decision to seek that support — the resources are there in all circumstances.

I am greatly concerned that this is not the case in Victoria at the moment, notwithstanding the words that have been stated in the Parliament by the government. I just do not believe that the rhetoric matches reality, and I say that with particular concern about the cuts to police numbers that the government has instituted in Victoria, to those police members who respond to family violence.

Of course that is backed up by the testimony of the chief commissioner to the Public Accounts and Estimates Committee, where he was very, very clear that Victoria has had a cut per capita in police numbers under this government. The human cost of those savage cuts to police resources by the Andrews Labor government is that when people need help from Victoria Police they may not be able to receive that. There are few worthier causes among those who may need help from Victoria Police than victims of family violence, and that is the human tragedy of those savage cuts to Victoria Police. There is no question in my mind that when victims of family violence may need police assistance, with the cuts that are being implemented by this government, that assistance may not be what it should be. That is again an example of the rhetoric from the government not matching reality.

There is really no excuse for that. In the district that I represent, where the police academy is based, there was a huge investment in that academy by the previous government. There was an investment of $27.8 million to ensure the academy could meet the number of recruits required to get them onto the street so that they could deal with family violence when that was necessary. In addition to that, there was a master plan to make sure that there was sufficient capacity for the pipeline of police that the previous coalition government had put forward. Unfortunately, for too long under this government, the academy was not used in the way it should have been, and as a consequence of that the number of police coming out under this government to hit the streets, to patrol our streets, to keep our streets safe, including for family violence incidents, has not been what it should have been.

There is no excuse for that. The heavy lifting was done, the investment was done in the academy, the planning was done. What was not made, unfortunately, was a commitment by the government to put in the resources to Victoria Police to make sure that the number of people who are being recruited, trained and deployed was going to continue.

As I said, there are few worthier citizens in our state who should be able to have the police resources that they need than those dealing with the scourge of family violence. That is why I want to put on the record today in dealing with this issue that there is just no excuse for these savage police cuts. There is no excuse in the context of family violence, there is no excuse in the context of other crimes, and these cuts have been severe.

The chief commissioner has been very clear on the record at the Public Accounts and Estimates Committee. He confirmed very clearly that there had been a cut in the number of police in Victoria. Whilst those on the other side of the house may dispute the chief commissioner's evidence — they are entitled to do that — that will not change the facts. When we are dealing with family violence, as I said, there are few worthier Victorians than those who are dealing with that scourge and who may need police assistance. They should get it.

The other areas I want to touch on outside of highlighting the human tragedy of the savage cuts this government has made to Victoria Police in the context of family violence are the other support services. I have had people in my district be very clear that the funding and resources that have been made available to a number of government departments dealing with family violence have been inadequate.

I have had a number of examples where people in my district have made it clear that they have had a suspicion of family violence. They have contacted the relevant authorities, and because this government has not been prepared to put in the necessary funds to the departments, they have been left with no option but to leave a message on an answering machine. As a consequence of that, there have been delays in terms of people getting back to them, which over a period of 24 hours could result in even more tragedies. It is just not acceptable that we have people who are seeking to report family violence — they have suspicions of family violence — but when they ring the Victorian government agencies they get an answering machine

message. They may not get a response for 24 hours, and that response in one case, for example, was, 'We couldn't take the call. We got a message. I just need to ring and see if this is the number the message was coming from. Because if it is, we've got to follow up'.

Well, 24 hours-plus later is too late — and that is not a criticism of those working on the front line; it is a criticism of the priorities of this government. The government comes into the Parliament and is big on rhetoric. But whether it is cutting Victoria Police and how the savage cuts impact on victims of family violence, whether appropriate funding should be made available to government agencies to deal with family violence, that has not been provided, the action does not match the rhetoric, and that is of significant concern. Because, as I mentioned, this scourge of family violence is something that is far more deserving of attention than what this government is doing.

Can I also say that in addition to those cuts to Victoria Police and the lack of resourcing in Victorian government agencies under this government, there is also the ongoing issue this government has with its continued conflict with the family unit. Its view is to put forward policies that it knows how to raise children better than parents, and, in doing so, it undermines the family unit and the importance of the family unit. Rather than supporting that family unit as the best unit in most cases to nurture children, raise children and reduce the chances of family violence, this government is obsessed with having the state come in on top of that.

Inappropriately, in my view, the government enacts laws and practices that undermine the importance of the family unit. Whether it is the Safe Schools program, whether it is equal opportunity exemptions, whether it is a range of other things in schools, there are a few good examples around which highlight and demonstrate the hostility that this government has to nurturing, protecting and supporting the family unit against the state. As a consequence of that, as I said, there is no question that the family unit is weaker in Victoria as a result of the policies of this government than it should be.

We can put together the savage cuts to Victoria Police that this government has inflicted, which the chief commissioner has clearly outlined to the Public Accounts and Estimates Committee, with the impact that has on victims of family violence and on those perpetrators of family violence who believe they may be able to get away with more than what they otherwise could because this government has cut police numbers. We can also add the context of the fact that our agencies are not resourced in the way in which they should be. I have got a number of examples in my electorate that I highlighted this afternoon where people have been left with an answering machine service, for goodness sake, to report suspicions of child abuse, and they have then received a call 24 hours-plus later. Those children have not had the sort of protection that they should have had. Then on top of that there is this government's hostility to the family unit — with their continual view that they know better, in most cases, how to raise children than parents — through the Safe Schools program, equal opportunity exemptions and other things. With that in mind, I am very concerned by the approach of this government.

Mr J. BULL (Sunbury) — I am pleased to rise to speak on the Family Violence Protection Amendment Bill 2017. Before I go to the bill, I just have one thing to say to the previous speaker, and that is 3135. That is the number of police this government is recruiting, the biggest recruitment of police in our history. This is a very important bill, one that stems from this government's work in addressing the most pressing law and order issue in our state and indeed our nation. This is an issue that has caused destruction and devastation in so many families and communities, and one, of course, that has taken many lives.

I have spoken previously in the house of the family violence forum that I held locally in Sunbury in 2015. It was an incredibly confronting forum. The Minister for the Prevention of Family Violence was there. It was an eye-opening experience hearing from survivors of family violence, Victoria Police, representatives of local councils — the City of Hume and the City of Melton — as well as caseworkers from a number of agencies, including Sunbury Community Health. They painted a very tragic picture indeed. The feeling that comes about in the pit of your stomach when you hear of those cruel, violent and callous ways that we know so many current or former partners treat those that they should love is truly devastating.

The statistics relating to family violence never cease to disturb or unsettle me. Between 2015 and 2016, 78 012 incidents of family violence were reported to Victoria Police, a figure that has increased by 45.3 per cent since 2012. On average we know that one woman per week is still killed by their current or former partner in this country — a shameful statistic indeed.

This bill does something that we should all stand for in that it provides greater protections for women and children, enhances our justice system's response to family violence and improves the operation of family violence safety notices and intervention orders. The Andrews Labor government has responded to the

227 recommendations of the Royal Commission into Family Violence, not only agreeing to implement all of them but with an initial injection of $572 million in funding.

I certainly do not believe that the federal government is ignoring the issue of family violence, and you do not ever want to see an issue such as this politicised, but I make this point to the Prime Minister: the funding allocated by the federal government to family violence is, in my view, lacking considerably. I think that the Prime Minister should take this government's lead, and the lead of the Premier, in addressing a critical funding shortage right across the nation. This is an issue that is surely above politics. It is about protecting lives from harm. It is about saving lives. The Andrews government, I am very pleased to say, is tackling this issue head on. I am so proud that we are able to bring this bill before the house, and I commend the bill this afternoon.

The SPEAKER — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PORTS AND MARINE LEGISLATION AMENDMENT BILL 2017

Second reading

Debate resumed from 22 March; motion of Mr DONNELLAN (Minister for Ports).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

JURY DIRECTIONS AND OTHER ACTS AMENDMENT BILL 2017

Second reading

Debate resumed from 21 March; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS 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 — Order! The question is:

That the house now adjourns.

Bayswater North Primary School

Ms VICTORIA (Bayswater) — (12 498) I rise to ask the Minister for Education to immediately reimburse Bayswater North Primary School the nearly $7000 it had to come up with last year and prevent it from forking out a similar amount in May this year and every year thereafter to keep its school hall.

A member of the school community recently alerted me to the fact that this wonderful school of well over 300 students was being penalised for having an over entitlement of buildings. A few years ago this school, along with all other schools, had a new building

constructed under the Building the Education Revolution program. This means that the department now asserts the school has too many buildings for the amount of students enrolled.

The school has been given two options: one, bulldoze a perfectly good and highly utilised hall; or two, raise money to pay for its upkeep. This is one of the most ludicrous and unjust things I have heard in over 10 years of serving the hardworking people of my district. The school is having to insure the hall and pay for the cleaning services out of its own budget.

I just keep turning this over in my mind. What extra programs with direct student benefit could be delivered for $7000 every year? What life-changing excursions could these young people be experiencing? Who was the not-so-bright spark in the department that thought this was, firstly, a good idea, and secondly, that they could get away with it?

At a time when the Parliament is investigating hundreds of thousands of dollars worth of fraudulent claims by Australian Labor Party members, how can the minister possibly think this type of stealing from educational services is either justifiable or okay? Let us not even go there about the rorting that happened within the education department itself last time Labor was in government either.

Minister, this is a great school. It is full of enthusiastic students, expert teachers and staff, and it has a loving close-knit community that do not deserve to be ripped off. This pig-headed stance by your department does not pass the pub test. This is supposed to be the education state, not the invoice state.

So again I ask the minister to immediately reimburse the amount the school paid out for insurance and cleaning last year, and ensure it does not have to dip into its own resources for that purpose ever again.

Essendon electorate roads

Mr PEARSON (Essendon) — (12 499) My adjournment matter is directed to the Minister for Roads and Road Safety, and the action I seek is for the minister and VicRoads to meet with the City of Moonee Valley, the Flemington Association and Save Moonee Ponds to discuss how we can maximise the efficiency of the road network in the electorate of Essendon in light of the level of residential development that is occurring in Moonee Ponds and Flemington.

JBS Australia, Cobram facility

Mr McCURDY (Ovens Valley) — (12 500) My adjournment matter is for the Premier, and the action that I seek is that the Premier visit Cobram in my electorate and meet with JBS abattoirs to discuss job standdowns at the Cobram plant with both the company and the workers.

Last Friday I received a phone call from John Berry, a senior executive with JBS, which is the world's largest processor of fresh pork and beef. Mr Berry informed me that all 292 employees at the Cobram plant would be stood down for a month due to a shortage of suitable small livestock. I am aware that market conditions and the very high price of beef make business very difficult on the export market, but my concerns are for the workers in our small community.

The Premier needs to establish if these standdowns are potentially long term, and if so, whether he will give assurances to the staff that he will assist in finding alternative employment if the standdowns continue past the scheduled mid-April time frame. Many of the staff have families and mortgages, and I ask that he gets a full briefing to better understand the way forward for both the company and the workers. Cobram's local economy will be impacted if these standdowns continue and workers are laid off permanently.

I urge the Premier to have a plan in place to support our communities if this becomes a long-term scenario. I know he has been reluctant to support others around the state, but I do urge him to come to Cobram and talk with JBS and the workers and to give them some assurances sooner rather than later.

Broadmeadows electorate sporting facilities

Mr McGUIRE (Broadmeadows) — (12 501) The adjournment matter I raise is for the Minister for Sport. The action I seek is that he join me on a tour of Broadmeadows to look at potential sites to establish a sporting hub. The need is strong in the area, and I think putting together a hub would be of real significance because we are now working with the transition task forces on how we get new industries and jobs for those who have lost them as we transfer through deindustrialisation, and the minister, from his background in the community and also his position as the Minister for Sport knows about how to connect the disconnected through sport.

I want to particularly raise the significance that Rugby League could play in the community. Two years ago I was fortunate enough to host Cameron Smith, not just

the captain of Melbourne Storm but the captain of the Australian team, who came out with one of the protégés from the area, Young Tonumaipea, who grew up in the Broadmeadows community — he went to one of the local primary schools and also to Roxburgh College. We went to some of the schools in the area, and we were able to talk students through the skills and the discipline that are required. I thought it was quite amazing for them to actually understand that. Cameron Smith is a very self-effacing player, and I had to explain just how significant his role has been.

With the number of different backgrounds of people in the electorate of Broadmeadows, I think this would be a place that is right for the development of any number of sports, but I think one of the critical points is the physique of the players, particularly those who come from an Islander background. The electorate of Broadmeadows has a large cohort of people from these communities, so I think that is something that we should look at. I am not prescriptive in sports. I would look at sports of all sorts, for teenagers, for boys and for girls — it is not about where you come from but what the opportunities are.

As we are trying to do that, we can provide skills for lifelong learning, get people into a better health proposition and give them skills for jobs. Sport connects people and gives them that sense of being in a team, not a gang, and of being disciplined. Sport can show people the way through with the discipline that it can deliver, and I think this would be a wonderful achievement.

Brighton electorate bus services

Ms ASHER (Brighton) — (12 502) The issue I have is for the Minister for Public Transport, and the action I seek is that she improve bus services in the Brighton area. I will refer to the background of this. Firstly, there was a meeting that I had with the mayor and deputy mayor — the previous mayor and deputy mayor now — of Bayside City Council; and secondly, there is a document which I understand has been forwarded to the minister's office by the council called *Public Transport Advocacy Statement: June 2016*, which has been produced by the council.

I am aware of improvements to route 703. The government has announced that that bus will now run from Bentleigh to Brighton on Sundays, but the council's documentation is significantly more comprehensive. I refer to page 4 of the document. In essence what the council is requesting of the government is more frequent bus services: every 20 minutes during the inter-peak and off-peak periods, every 10 minutes during peak hours and later service coverage. Council is also seeking a bus service timetable review and more bus shelters at bus stops within Bayside. Specifically I will refer to the detail of that, and I would advise the minister that many of my constituents in Brighton East do not have the train line that services the rest of Brighton; they are dependent on the route 64 and route 67 trams. I quote from council's document:

> Generally, bus services within the municipality are local bus services … with reduced service frequencies running at 30-minute intervals during both peak hours and throughout the day and generally less frequently over weekends. Improvements to bus service frequencies and their hours of operation are necessary to make buses a realistic and attractive transport option for the Bayside community.

I also refer to the council's desire to have bus and train services connect better, and I quote from the council's document, page 7:

> There is a need for better coordination between buses and trains to reduce delays and travel times in order to make public transport a more attractive option of accessing train stations within Bayside as part of an onward journey. Improved bus-rail connectivity would also assist in reducing commuter parking pressure within the vicinity of train stations.

Merri Health

Ms BLANDTHORN (Pascoe Vale) — (12 503) My adjournment matter is for the Minister for Health, and the action I seek is that the minister accompanies me on a visit to Merri Health in Coburg to see firsthand the important work that the team there perform and to hear about the organisation's plans to enhance its operations and services in the future. I recently met with the Merri Health CEO, Nigel Fidgeon, and the chair of the board, Carlo Carli, on Monday, 27 February, to discuss a number of issues that are important to the organisation but in particular to their plans for expansion. They outlined their strategy for the future, which included expanding their current operation to accommodate the increasing demand for the services that Merri Health is experiencing.

As the minister is aware, the community health sector is operating in a very uncertain and increasingly challenging environment as a result of the Turnbull coalition government's cuts to the health sector, and Merri Health is one of the biggest community health providers in the City of Moreland. Indeed it is also one of the largest employers within the City of Moreland and, notably, employs largely local residents. They have a number of sites around the City of Moreland, and their services include aged care, carer support, child and family support, assistance for those suffering chronic conditions, dental care, disability care, health

and wellness, mental health support, national disability insurance scheme (NDIS) services — and Merri Health is part of the rollout at the current time of the NDIS across the area — and youth support services as well. So they have an extensive operation, and I ask that the minister accompany me on a visit to see the work that they do there.

Greater Shepparton police resources

Ms SHEED (Shepparton) — (12 504) My adjournment this evening is for the Minister for Police, and the action I seek is that the minister visit my electorate and meet with concerned residents regarding police resourcing. A number of my constituents say they are yet again faced with closed doors at their local police stations and rarely see a police officer or a police vehicle patrolling the area.

After I raised these issues in Parliament late last year public meetings were held in Mooroopna and Tatura, where residents were able to air their concerns directly to the local inspector. Recently my office received a call from a constituent in Tatura. She said there was a notable presence of highway patrol vehicles in Tatura following the public meeting. However, it is four months later, and that has ceased, she said. She tells me she has contacted Shepparton police, and it is back to the same message my constituents received initially: call 000 in the case of an emergency.

In the meantime our crime rate is continuing to climb. The latest statistics show an overall increase of 9.4 per cent of reported crimes since 2015 in the Greater Shepparton area. Drug offences have risen 9.7 per cent. I refer to just one incident, which occurred on Sunday. Police are searching for two men, who they say are responsible for multiple assaults and a crime spree in Mooroopna in the early hours of Sunday morning which involved damage to property and burglaries in two different streets.

Police safety is of course of utmost importance; however, the two-up rule has decimated resources at our regional police stations. If this rule is to persist, there must be adequate resourcing at our country stations to compensate for the policy. While our police members have a right to feel safe, so too do we have a right to feel safe in our homes and in our streets. We must be able to have confidence in knowing when we pick up the phone or go to the station that an officer will be there when we need them most.

Frankston Basketball Stadium

Ms KILKENNY (Carrum) — (12 505) My adjournment matter is for the Minister for Local Government, and the action I seek is that the minister write to Frankston City Council asking them to explain why they have suspended the Frankston Basketball Stadium redevelopment. Works on the long-awaited Frankston Basketball Stadium upgrade have been suspended by Frankston City Council amid lease negotiations between Frankston City Council and the Frankston & District Basketball Association. The $12.4 million upgrade, made up of local, state and federal funding as well as funding by the association, is a much-needed community project in my electorate. Due to the ever-increasing popularity of basketball, our local stadium is bursting at the seams. Overcrowding means games are being played late into the evening because courts are just not available earlier in the night.

The priority now must be the local community, not a cash grab by Frankston City Council. Frankston council needs to lift its game and start the Frankston Basketball Stadium upgrade as soon as possible, and my local community deserves to know why Frankston City Council has suspended the project and what it plans to do with the project going forward. My community and I look forward to the minster's action.

Markham Avenue, Ashburton, redevelopment

Mr WATT (Burwood) — (12 506) My adjournment matter is for the Minister for Planning, and the action I seek is that the minister join me in my electorate on 25 March starting at 10.00 a.m. and address the rally that will be walking from the Ashburton train station to the Ashburton library. The rally is in regard to the Markham housing estate, about which I know the minister is acutely aware, as is the Minister for Public Transport, who is at the table, and the Minister for Housing, Disability and Ageing. They are all acutely aware of the problems they are creating in my electorate of Burwood, where they are planning to put a massive development on a nice, quiet side street.

I know the residents, particularly those who live on Ashburn Grove, are upset. The residents on Ashburn Grove currently have a mandatory 8-metre height limit around their property so they are protected from their neighbours, but what they are not protected from is a government that is planning on building a seven-storey building behind them. Many of those residents are particularly concerned about the loss of amenity and the way the government is going about this particular proposal.

A development of this size is not something that the council is not able and not equipped to deal with, but it is clear that the government is pushing this through and the minister will make this decision himself. It is clear that the reasoning for this is that it would never get through the current planning rules of the council. It just could not possibly get through. I understand why the minister would want to avoid the council. I also understand why the minister might want to avoid my residents — because of their concerns around this particular development.

I know I invited the minister previously to attend a forum that was held in my electorate about this particular proposal, but I am hoping that the minister will attend this rally on 25 March at 10.00 a.m. He could address the rally at the Ashburton train station, which is where we will start, or he might want to meet us at the end point, which is the Ashburton Library, and he could address the crowd there. I know that the residents of my electorate would look forward to hearing from the minister as to why he thinks it is appropriate to ride roughshod over my community, ignore the council's many concerns, ignore the government's own planning rules and regulations, and ignore the better apartment design guidelines that the government is introducing. My constituents are particularly concerned, and they want to hear from the minister.

As I said, the action I seek is that the minister join me in my electorate on Saturday, 25 March, at 10.00 a.m. and address the rally. He can do it either at the start, at the train station, or at the end, at the library.

Mornington Peninsula Freeway extension

Mr RICHARDSON (Mordialloc) — (12 507) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is that the minister update my community on the business case that has been undertaken in relation to the extension of the Mornington Peninsula Freeway through to the Dingley bypass. This particular stretch has a road reserve that has existed since 1969. Over that time this section of reserved land for future road development has been one of the most politicised issues in my community. There has been ongoing uncertainty about the future of this connector.

I committed to my community in the lead-up to the 2014 election to take away the politics on road infrastructure projects, to look towards business cases to underpin some of those projects and to give the community certainty on this in the future. That is what this business case will do. It will provide the information for our community into the future on exactly what is needed, the time frames and how best to go about addressing some of the challenges of population growth in our region.

The City of Kingston will grow by up to 15 per cent over the coming 10 years. The Victorian government's policy to remove 50 dangerous and congested level crossings, the record investment in the Melbourne Metro rail project, which will greatly benefit the Frankston train line, and the widening of the Monash Freeway are significant projects. But the Nepean Highway continues to get more congested, and as a resident of Chelsea Heights I am very familiar with the challenges along Wells Road, Boundary Road, Governor Road, Springvale Road, White Street, Lower Dandenong Road and Centre Dandenong Road.

We need to look towards the longer term, take away the politics on this issue and provide certainty for the community. That is why engaging with our community and giving them that information, going through a consultation process, providing leadership on these issues, not getting into some of the politics that we saw with east–west link — and people in my community raised their concerns that the politics on that were very damaging for our longer term infrastructure priorities — and looking to the long-term needs to address those issues is what my community expects. So I ask the minister to give an update to my community on the business case and to provide that certainty to my community. That would be greatly appreciated.

Mr Watt — On a point of order, Speaker, regarding the adjournment matter of the member for Carrum, the member asked the minister to write a letter advocating for something. I refer you to the bottom of page 4 in *Rulings from the Chair*, which makes very clear that advocacy does not constitute an action:

> Asking for advocacy is not a matter for the adjournment debate.

Asking the minister to write a letter to a council asking them to do something is quite clearly asking the minister to advocate for something. I would contend based on that ruling that the adjournment matter raised by the member for Carrum is clearly not in order, so I ask that you rule it out of order.

Ms Kilkenny — On the point of order, Speaker, the action I sought was for the minister to write a letter asking Frankston council to explain their conduct in relation to funding that had been provided by the state government. I submit that the point of order raised by the member for Burwood is not a valid point of order.

The SPEAKER — Order! I rule the point of order out of order. Writing a letter is indeed an action.

Responses

Ms ALLAN (Minister for Public Transport) — As always I am delighted to respond to matters raised by the member for Brighton. She has become a bit of an advocate for public transport over there. As she tells me often, she is a regular user of the service, and it is great to have her on board. It is even better to have her on board the buses as well.

What the member for Brighton has identified is an issue in her community. As she mentioned, the Bayside council are keen to see more bus services. She was gracious to acknowledge that there have been some improvements to bus services on route 703; however, like many communities, her community — and I think she mentioned particularly Brighton East — is keen to see more bus services. That has been identified in a report from the Bayside council. It is not just more bus services that have been identified but a need for better coordination with the trains as well, which just makes sense.

The Andrews Labor government has the $100 million Better Bus Network program that it is rolling out. It was an election commitment, and it is being progressively rolled out across a range of areas in Melbourne and regional Victoria. I will take on board what the member for Brighton has raised in regard to the needs in her community. I will ask Public Transport Victoria to look at the demand in that local community. The report from the Bayside council, as she acknowledged, has already been received by me and Public Transport Victoria, and we will respond to her following the examination of the needs of her local community. We are happy for her to be involved in those conversations as well.

The remaining nine members raised matters for various ministers, and they will be referred to them for their response and action.

The SPEAKER — Order! The house is now adjourned.

House adjourned 5.24 p.m. until Tuesday 2 May.