PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 7 September 2017

(Extract from book 11)

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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
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence (until 23 August 2017)	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Speaker

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

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

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

Acting Speakers

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

Leader of the Parliamentary Labor Party and Premier

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals

The Hon. P. L. WALSH

Deputy Leader of The Nationals

Ms S. RYAN

Heads of parliamentary departments

Assembly — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

Council — Acting Clerk of the Parliaments and Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn[2]	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Napthine, Dr Denis Vincent[3]	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio[4]	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma[1]	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John[5]	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David[6]	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison[7]	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard[8]	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian[9]	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

[1] Elected 31 October 2015

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

PARTY ABBREVIATIONS

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

Legislative Assembly committees

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

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

Legislative Assembly select committees

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

CONTENTS

THURSDAY, 7 SEPTEMBER 2017

Thursday, 7 September 2017

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

PETITIONS

Following petitions presented to house:

Booran Road, Caulfield East

To the Legislative Assembly of Victoria:

The Glen Eira College community, including students, parents and staff, are very worried over the safety of pedestrians using the crossing point on Booran Road, Caulfield East. The school campus is split in two across Booran Road.

There have been a number of near-misses as vehicles are not stopping in time or, in some cases, not stopping at all. These incidents have occurred despite teacher supervision of the crossing during the school day and a crossing supervisor before and after school. Speed and a lack of adequate and prominent signage have contributed to these life-threatening incidents.

Variable electronic speed signs are required to make the traffic lights more visible to drivers and to extend the 40-kilometre-an-hour speed limit throughout the school day.

We call on the state government and VicRoads to urgently install variable electronic speed signage at this dangerous pedestrian crossing on Booran Road, Caulfield East.

By Mr SOUTHWICK (Caulfield) (68 signatures).

South Gippsland Highway, Cranbourne East

To the Legislative Assembly of Victoria:

The petition of the staff, students, parents and friends of Lighthouse Christian College Cranbourne, together with the residents of Cranbourne, Victoria, draws to the attention of the house the section of road along 1785 South Gippsland Highway, Cranbourne East, upon which Lighthouse Christian College Cranbourne is, is in its current state a dangerous stretch of road. It has claimed the lives of Xinyu Yuan and her mother, Ma Li Dai, in a fatal car crash on 9 August 2017. In addition to this tragedy it has caused many other motor vehicle incidents over the past few years, resulting in the hospitalisation of those involved.

The petitioners therefore request that the Legislative Assembly of Victoria:

1. reduce the speed limit of the section of road within 1 kilometre approaching the school from both directions to 80 kilometres an hour at all times;

2. reduce the speed limit of the section of road within 1 kilometre approaching the school from both directions to 60 kilometres an hour during school drop-off (8.00–9.30 a.m.) and pick-up times (2.30–4.30 p.m.) on school days;

3. erect signs notifying drivers to slow down as they are approaching a school.

By Mr PERERA (Cranbourne) (1913 signatures).

Maroondah Highway, Lilydale

To the Legislative Assembly of Victoria:

The petition of the Evelyn residents draws to the attention of the house that we the undersigned believe the existing traffic signalling along the section of Maroondah Highway west of the Warburton Highway is unsafe. Vehicles do not give way to motorists faced by Maroondah Highway traffic wishing to make a left turn into Mangans Road or Tudor Village Drive nor do vehicles merging from the Warburton Highway.

The petitioners therefore request the Legislative Assembly of Victoria address the merging traffic issue by:

regular traffic lights or merging traffic flashing light;

slower speed limit from Warburton Highway to Maroondah Highway;

signage to indicate the entry to both Mangans Road and Tudor Village Drive.

By Mrs FYFFE (Evelyn) (360 signatures).

Voluntary assisted dying

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria from the electorate of the district of Evelyn draws to the attention of the house the upcoming bill to legalise euthanasia and assisted suicide. The petitioners therefore request that the Legislative Assembly of Victoria does not vote to allow euthanasia and assisted suicide to be part of our healthcare system.

By Mrs FYFFE (Evelyn) (104 signatures).

Poowong public transport

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly that the township of Poowong and surrounds is underserved by public transport to Melbourne.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the state government to provide services that stop at Poowong or at the very least initiate a trial to gauge the level of demand.

By Mr D. O'BRIEN (Gippsland South) (762 signatures).

Greyhound muzzling

To the Legislative Assembly of Victoria:

The petition of the Greyhound Equality Society (GES) and residents of Victoria draws to the attention of the house the 2015 inquiry into the legislative and regulatory framework relating to restricted breed dogs that resulted in the Economy

and Infrastructure Committee recommending ending the requirement for non-racing greyhounds to be muzzled in Victoria. Despite this all-party recommendation, the government ordered an additional investigation by the Department of Economic Development, Jobs, Transport and Resources, which we believe is superfluous to the extensive and comprehensive inquiry already undertaken in 2015.

We would also like to draw to the attention of the house that the following organisations and government offices also fully support ending the requirement for non-racing greyhounds to be muzzled in Victoria: Australian Veterinary Association, RSPCA, NSW Greyhound Industry Reform Panel, the ACT government and Greyhound Racing Victoria.

The petitioners therefore request that the Legislative Assembly of Victoria observe the clear recommendations of the above-mentioned inquiry of 2015 and remove the requirement for non-racing greyhounds to be muzzled in Victoria and not wait until 2018 for the outcome of the above-mentioned superfluous investigation.

By Mr HIBBINS (Prahran) (2048 signatures).

Princes Highway–Gnotuk Lane, Gnotuk

To the Legislative Assembly of Victoria:

The petition of the residents of Polwarth in Victoria draws the attention of the house to the dangerous crossing of the Princes Highway and Gnotuk Lane near Camperdown. The petitioners therefore request that the Legislative Assembly of Victoria support a funding commitment to implement an 80-kilometre-an-hour speed limit to the stretch of highway and warning lights to prevent a fatality.

By Mr RIORDAN (Polwarth) (95 signatures).

Tabled.

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

Ordered that petition presented by honourable member for Gippsland South be considered next day on motion of Mr O'BRIEN (Gippsland South).

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

Ordered that petitions presented by honourable member for Evelyn be considered next day on motion of Ms FYFFE (Evelyn).

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

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

DOCUMENTS

Tabled by Acting Clerk:

Ombudsman — Enquiry into the provision of alcohol and drug rehabilitation services following contact with the criminal justice system — Ordered to be published.

BUSINESS OF THE HOUSE

Adjournment

Mr PAKULA (Attorney-General) — I move:

That the house, at its rising, adjourns until Tuesday, 19 September 2017.

Motion agreed to.

MEMBERS STATEMENTS

Gerry O'Brien

Mr PAKULA (Attorney-General) — I rise to pay tribute to Gerry O'Brien, who passed away in Dennington a couple of weeks ago aged 78. Whether it was in the dairy factories of Victoria's south-west or at the Hotel Warrnambool or with a carload of O'Briens against the rail at the May races, Gerry was immediately recognisable with his woolly jumper, his Akubra, a pot of beer and a Rothmans.

Gerry's working life spanned decades as a delegate at 'Nestles' Dennington — never Nestlé — then as an organiser for the cold storage union and for the National Union of Workers. Gerry was beloved by dairy workers in the south-west from Regal Cream in Colac to Bonlac in Cororooke and Cobden, from Kraft in Simpson and Allansford to Warrnambool Cheese and Butter, from Nestlé Dennington to Murray Goulburn Koroit. And why not? He worked hard for them, he represented them and he improved their wages and conditions. I was glad and gratified that I got to see Gerry on a visit to his place with Greg Lee and David McFadden just before he left.

To Mary and to Mary and Gerry's seven kids and 21 grandkids, Ger was a champion bloke — but you all know that. See you in May.

Croydon City Arrows Soccer Club

Mr HODGETT (Croydon) — I wish to extend my congratulations to the Croydon City Arrows Soccer Club, which last month celebrated 60 years as the premier soccer club in my electorate of Croydon. It was my pleasure to attend the club's anniversary celebrations at their home ground of Dorset Reserve

and spend the day with many current and former players, coaches, members and fans that have supported the club over the years.

Founded in 1957, the Croydon City Arrows have a long and proud history of sporting achievement. The first-ever soccer team to represent Australia at a World Cup — the original 1974 World Cup squad — had a number of Croydon players. The Arrows have had several players progress to play at a professional level with the Socceroos and Melbourne Victory, including Socceroos captain Paul Wade, among others.

The Arrows have hundreds of members and currently field five girls and 12 boys sides in the juniors, and two sides in the men's and women's seniors and reserves. The women's seniors recently qualified for State League division 1, the highest of the state divisions and a magnificent achievement. I would particularly like to thank president Mark Tate and the whole Croydon City Arrows committee and congratulate them on their ongoing hard work, and thank all involved for making the club's 60th anniversary celebrations such a successful and enjoyable day.

AFL Ballarat match

Ms KNIGHT (Wendouree) — History was made when more than 10 000 people gathered at Mars Stadium to watch the Western Bulldogs take on Port Adelaide in Ballarat's first AFL game. What a day! The sun was shining, the hotels, bars and restaurants were full and the atmosphere was electric — a spirit money cannot buy. This all means jobs, jobs, jobs. Sadly, the Doggies did not get up, but the game was close right up until the end.

The front page of the *Courier* said it all: 'Epic Weekend — Ballarat thrives in spotlight as AFL and events come to town' — and did we ever thrive. In fact I think we were all a little bit up ourselves, and with good reason. We have so much to offer, and now we have even more with the Mars Stadium, which will host two AFL games for the next four years and provide a venue that can do so much more. There was so much to be proud of on AFL day. I am incredibly grateful to the Bulldogs for having confidence in Ballarat, and for really becoming part of our community. Brett Goodes does an outstanding job of supporting our community through various programs.

I think the last word should go to a group of 20-somethings from Melbourne who said that next year they are going to spend a few days in Ballarat. 'We love this place', they said. They were Bulldogs supporters who said, 'We were too young for Whitten Oval, and Etihad belongs to everyone. We feel we have found our home ground'. This kind of investment is exactly what good governments do. So to Cr Amy Johnson, who believes this investment is a waste of taxpayer money, I say: not even your clueless comments could kill the buzz on that great day.

HOCUS

Ms RYAN (Euroa) — In 2014 it was identified that approximately 200 of Benalla's young people were not engaged in education or employment. Last week I met with Mary-Lou Terry, who runs the Waminda community house's HOCUS youth group. The group meets on a weekly basis, and young people participate in a number of activities, including a range of sports and hobbies such as attending the local gym, dance classes, bowling, swimming and cooking. They volunteer by collecting donations for the Leukaemia Foundation at Winton Motor Raceway events and by helping with tree-planting projects.

HOCUS also offers useful guidance in résumé and cover letter preparation and mock interviews. One participant said, 'I stopped going to school because I felt lost and lonely. I came to HOCUS and made some friends and now I am back at school'. The program's current funding through the adult, community and further education program is drawing to a close, but the board of Waminda are eager to see it continue. I urge the government to provide the funding required so this great program can keep going.

Kangaroo pet-food trial

Ms RYAN — I call on the government to provide certainty to landholders by making the kangaroo pet-food scheme ongoing. Landholders across my region are concerned that the government plans to do away with the trial, which was introduced by the former coalition government, when it expires in March next year. The government should also examine the feasibility of including deer in the scheme. Deer are becoming a major problem, with landholders in the Strathbogie Ranges now telling me that they are seeing deer on their properties. I again urge the government to make permanent the kangaroo pet-food trial and to examine extending it to include deer.

Marymede Catholic College

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I recently had the pleasure of visiting Marymede Catholic College in South Morang and spending some time with a very enthusiastic bunch of year 1 students. This term they

have learned about the importance of recycling and how to separate their rubbish into different coloured bins. It was very impressive.

I was very impressed to hear the extensive knowledge they had about recycling. I also had the pleasure of unveiling the winners of their recycling art competition. Four students had their artworks promoting recycling turned into stickers on the school bins for everyone to see. These gorgeous artworks depicted schoolkids picking the right bins for their different types of rubbish, with the slogan 'Keep Marymede Clean'. These year 1 students are leading the way in promoting recycling in their school, and they will be leading the way well into the future too.

BAPS Shri Swaminarayan mandir, Melbourne

Ms D'AMBROSIO — I also had the pleasure to visit the BAPS temple in my electorate in the suburb of Mill Park, where they undertook an education seminar for the secondary school members of their communities. It was a really terrific event and a great honour for me to be able to come in and talk to them about my own journeys in public life and my own beginnings in terms of education, and I really do want to thank them and extend my appreciation to them for doing a wonderful thing for young members of their communities so that they can have every opportunity to take full advantage of our terrific education in this state and become full members of their community.

Booran Road, Caulfield East

Mr SOUTHWICK (Caulfield) — Safety is one of the key things that we all wish for when it comes to our schools, particularly when it comes to kids getting to and from school. Glen Eira College is a great school within my electorate, and I do acknowledge the work of the rebuild of that school, and the Deputy Premier was in fact there just 12 months ago announcing a $9.5 million upgrade. But one thing that has not been done is the pedestrian crossing, particularly variable electronic signs at the school. A 40-kilometre zone operates only between school beginning and going times but not during the day. The school desperately needs a 40-kilometre zone all the way during school hours, and it also needs variable signs operating so motorists are aware of this.

We have raised this a number of times. This was certainly raised initially 12 months ago, which caused VicTrack and VicRoads to do some study. A VicRoads study traffic count from 2 May to 8 May noticed that there were a number of people speeding; up to 77 per cent of vehicles were travelling more than 40 kilometres per hour between 10.00 a.m. and 2.00 p.m. This is an accident waiting to happen. We are calling on the government, the Deputy Premier, the Treasurer and the Minister for Roads and Road Safety to do something to make the school safe and to ensure that we have variable signage and a 40-kilometre zone operating during school hours.

Women in policing

Ms NEVILLE (Minister for Police) — I was delighted recently to join the Governor, the Chief Commissioner of Police and senior police at Government House to celebrate Victoria's 100 years of women in policing. We had hundreds of past and present women who have served Victoria Police there on that evening. It was a great opportunity to honour the contribution of women to the vital work of Victoria Police.

In 1917 Madge Connor and Elizabeth Beers became the first female police agents, and a lot has changed since then. The recent rededication of Madge Connor's grave was a moving service that I was privileged to attend. Madge led the way, and her contribution was crucial for so many women, including me, in being able to hold the positions we do today. Women have now held every rank within Victoria Police. The pay at the time was half that of the male officers, and they had no arrest rights. They were working in conditions that seem unimaginable now. Through Madge's work, women in Victoria Police achieved equal pay for equal work, nearly half a century before this became law in Australia.

Despite this, significant barriers continued for women. For example, until 1986 female officers had to carry their firearms in a police-issue handbag, and trousers took a few decades to become part of the uniform. In 1924 there were four female police officers. Now there are more than 4000 women in Victoria Police. There is more to be done to continue to attract increasing numbers of female recruits and achieve real equality for women within the force. I want to thank all those past and current women who serve or served in Victoria Police. You have helped to build a better organisation.

Oishi-m

Mr KATOS (South Barwon) — Recently I attended the Geelong Business Excellence Awards, and I am pleased to recognise that the business of the year for 2017 was Oishi-m, a Torquay-based children's fashion business. Established in 2006 by Bellbrae resident Miyo Fallshaw, the business specialises in garments for children from three months

to six years old. The Torquay-designed products accommodate all sizes and are designed for functionality and comfort. As well as operating a retail shop in Gilbert Street, Torquay, they successfully reach their customers through the company's website and at the same time promote the Surf Coast and Geelong region right throughout the world.

Torquay Bowls Club

Mr KATOS — I was delighted last Friday to be at the official opening of the Torquay bowls season. Despite the rainy start to the season, the launch was well attended, with many eagerly looking forward to a busy and fun season ahead. As part of the opening I was fortunate to officially launch the club history book of the Torquay Bowls Club, with a special introduction by club historian Ian Gribble. Congratulations to Ian on his work. It is a very in-depth history of the club that will be read for many years to come. I would also like to thank all at the Torquay Bowls Club, particularly its chairman, Mac Smith, for allowing me to be a part of the book launch and the opening of the bowls season.

Onam festival

Mr KATOS — I would like to congratulate the Geelong Maitri community for inviting me to attend and be their chief guest at the Geelong Onam festival 2017. I was honoured to light the lamp as part of the festival, a festival that celebrates the rich Indian culture as well as art and food. It was held last Saturday at the Geelong West town hall. It was wonderful to meet with so many passionate members of the Indian community and celebrate with them at this festival.

School breakfast clubs

Mr NOONAN (Minister for Industry and Employment) — One of the unsung investments of the Andrews government is the $13.7 million to establish the school breakfast clubs program for 500 of the most disadvantaged government primary schools in Victoria over four years. The program is managed by Foodbank Victoria, the largest food welfare agency in Australia. Foodbank Victoria delivers free healthy food supplies to participating schools, enabling a school breakfast club to run during the course of the school week.

I had the privilege of visiting the Altona North Primary School breakfast club last Friday morning to meet the teachers and volunteers delivering the program. I was also able to serve breakfast to a good number of enthusiastic young students as they quizzed me about various issues, such as football and politics. It is clear the breakfast club program is making a difference, and I want to thank the Altona North Primary School community, led by principal Robyn Gregson, for their commitment to give every one of their students the best start in life.

Clara Jordan-Baird

Mr NOONAN — On the issue of making a difference, it is with regret that I report that we lost a young Labor activist, Clara Jordan-Baird, who died suddenly earlier this week, aged just 28. I did not know Clara well, but on the occasions that I met her I was struck by her positive energy, intellect, respectful approach and commitment to Labor values. Those who knew her well, including my colleague Tim Watts, are mourning not only their friend but her lost potential. I certainly extend my sympathies to her family at this difficult time.

County Court Sale sittings

Mr D. O'BRIEN (Gippsland South) — The decision of the County Court to discontinue including Sale in the court circuit has been met with dismay and disappointment in the Wellington shire, which already feels like state government services are being reduced or ignored — think TAFE, trains and health services. The County Court says it cannot hold circuit in Sale in future due to the nature of the historic but outdated building, which causes a risk of mistrials. Leaving aside that that must have been the case for many decades now, if it is true, then it is a matter for the state government to address. The Attorney-General should be working with Court Services Victoria to ascertain what works are needed and then fund them appropriately. In this day and age, to force people from Wellington shire to travel to Morwell, which is already a busy court, just because the Sale court is outdated is not acceptable.

Sale TAFE services

Mr D. O'BRIEN — Just as the court needs updating, so do Sale TAFE services, which is why the Labor government must match the announcement last week by The Nationals and Liberals for a new TAFE campus at the port of Sale. The Fulham campus is falling down and inadequate, and after more than a decade of fighting, the Sale community has had enough and needs certainty on TAFE services going forward. Labor needs to step up and match our commitment to a new campus in Sale.

Biggest Ever Blokes Barbecue

Mr D. O'BRIEN — It was great to be part of Wellington's Biggest Ever Blokes Barbecue recently, which raised a whopping $85 000 for prostate cancer research, with most of the proceeds likely to be directed to local support services. Well done to the committee of volunteers that put together this fantastic day, with 410 blokes there.

Gippsland South electorate football

Mr D. O'BRIEN — Footy grand finals are on, and good luck this weekend to Clancy Bennett's Mirboo North team in the Mid Gippsland League decider against Yinnar. The Tigers only scraped into the finals on percentage, but they are on a giant-killing run and anything can happen. Fish Creek and Toora will face off in the Alberton Football Netball League grand final, with Fishy chasing back-to-back flags and Toora into its first grand final since 1989 and chasing its first flag since its one and only premiership in 1973. Good luck to all teams.

Melton Highway level crossing

Ms HUTCHINS (Minister for Local Government) — The Andrews government is getting on with removing the Melton Highway level crossing, just a stone's throw away from Watergardens station. Recently the crossing was closed to put in place 24 beams, each weighing 76 tonnes and cast locally in Melton. Despite strong winds, all critical works were completed with the help of one of Australia's largest cranes, a crane that required 30 trucks to bring the parts in to build it.

Once the southern half of the structure is completed by early next year, all four lanes of traffic will be moved onto the new southern side of the bridge and work will begin on the north side. Once the level crossing is gone, it is gone for good and it is out of the way, before the new Metro Tunnel project helps increase the capacity on the Sunbury line by around 60 per cent. I am very proud that through infrastructure investment by the Victorian Labor government we are able to drive this new era of purchasing locally produced steel in Victoria and creating manufacturing jobs.

Where this intersection sits is the heart of my community, and this heart has had some blocked valves over the last few years because of the traffic. We know that the removal of the Melton Highway level crossing is going to change the face of our local suburbs.

Taylors–Kings roads, Delahey

Ms HUTCHINS — In addition to this, our investment in the Taylors Road–Kings Road roundabout removal is on track. It is the intersection between the three key seats in the west — Sydenham, Koroit and St Albans — and I know the members of Koroit and St Albans are pleased to see this on track.

New Street, Brighton, development

Ms ASHER (Brighton) — I wish to draw to the house's attention the state Labor government's plan to impose a nine-storey development in New Street, Brighton, near Elsternwick Park and the flood-prone Elster Creek. This development will be a mixture of private and public housing. Currently on the site there is exclusively public housing of three to four storeys and 127 apartments. It is our belief that the government will bypass the Bayside City Council and have the Minister for Planning approve a totally inappropriate nine-storey development in New Street, Brighton, with well over 300 apartments in that development. I call on the Minister for Planning not to do this.

Again I make the point that it is very simplistic for the Labor Party to say, 'You're anti-public housing'. We are not. There is public housing on that site. We are strongly in favour of the renewal of public housing. What we are opposed to is a nine-storey development on that site, which gives very little increase in public housing, a lot of profit to a developer and a lot of private housing. It is something that is inappropriate for Brighton. I refer to the council's press release of 6 September, quoting the mayor:

> The proposed buildings are in an area currently zoned for buildings of no more than three storeys in height and will fundamentally alter this part of Bayside …
>
> The development will reduce the amenity of local residents while achieving only a small increase in the amount of public housing on the site.

Gary Qiang Li

Mr LIM (Clarinda) — I rise to sing the praises of a visionary education exporter. Gary Qiang Li has been engaged in transnational education since 2001, with his major contribution in helping to introduce and deliver the Victorian certificate of education (VCE) in China program. This program has been very popular because it allows Chinese parents to keep their single child for two years more in China before sending them to an Australian university. Gary has worked with education authorities and schools from Victoria and China, and he has successfully developed a quality transnational education program, which is now

operated in more than 22 schools in China, involving about 5000 young students.

In addition to his work in promoting the delivery of the VCE in China program, Gary Li is also dedicated to the further development of this transnational program by organising the annual VCE transnational conference, which started in 2012. This conference is the annual gathering of all teachers who are involved with the VCE in China program. Among the six conferences held so far, the last two have been very successful, with the fifth one attended by the Deputy Premier, the Minister for Education. I was privileged to open the last one in early July, with 200 attendees. It was a great success, and Gary earned a lot of respect from the institutions.

Police vehicle ramming

Mr WELLS (Rowville) — This statement condemns the Andrews Labor government for its continued failure to support legislation to protect the dedicated and hardworking members of Victoria Police. The Andrews government recently demonstrated how out of touch it is in its priorities when, along with the Greens, the Liberal-Nationals proposed tough ramming of police cars legislation to better protect police. This was disgracefully voted down in this house, having passed in the other place.

Not only have we had over 230 deliberate rammings of police vehicles over the past two years, we now have the deeply concerning revelation that more than 100 drivers a week are evading police and failing to stop after being ordered to — up by over 52 per cent in just one year. In recent weeks there was another report of a ramming of a police car in Ballarat.

The high incidence of the deliberate ramming of police vehicles and evading police offences is putting the lives of police members and those of the general community at risk. As the secretary of Police Association Victoria, Wayne Gatt, recently put it in the *Sunday Herald Sun* online:

> … drivers choosing to ignore police was becoming the norm, rather than the exception.
>
> 'When respect for police is lost, the community's most trusted layer of security and protection erodes …

It is simply not good enough to continue to dither, procrastinate and do nothing when police are exposed to risk and lives are on the line. Only the Liberal-Nationals have the immediate plan and solution to address the problems facing our police.

Cranbourne electorate pedestrian safety

Mr PERERA (Cranbourne) — I have great pleasure in announcing that the Andrews Labor government is boosting safety for pedestrians and cyclists in my electorate of Cranbourne by installing traffic signals with push buttons, pedestrian lanterns and line markings at four of the busiest roads in the area. This boost in safety at key local roads will reduce the risk of people being hit while crossing the road.

There will be traffic signals installed at Cranbourne-Frankston Road near Lurline Street, Cranbourne; Thompsons Road west of Narre Warren-Cranbourne Road, Cranbourne; and at the South Gippsland Highway near Waverley Park Drive, Cranbourne North. The intersection at South Gippsland Highway near Station Street in Cranbourne will also have its pedestrian-operated signals upgraded. All of the crossings are close to schools, shopping centres or sporting venues and are well used by pedestrians and cyclists. The new, improved crossings will also encourage residents to get around Cranbourne on bike or on foot and provide better access to bus stops and train stations in our local corridor.

The $2.5 million investment for the project comes from the Labor government's growth areas infrastructure contribution program, which funds key projects in Melbourne's growing outer suburbs. Works are expected to begin in July 2018 and be completed by mid-2019. Thousands of vehicles use the South Gippsland Highway and Cranbourne-Frankston Road every day, which is why we are installing these new crossings.

Olivia's Place

Mr BLACKWOOD (Narracan) — Last Saturday I attended the Olivia's Place Father's Day fundraising dinner at the Warragul Country Club. The event was extremely well supported with a sellout crowd of 150 helping to raise $40 000. Olivia's Place is managed and supported by a group of volunteers, many with their own young families. They do not receive any government funding and rely on the generosity of the West Gippsland community. These fantastic people, led by Kirsten Finger, Carmel Riley and CJ Rovers are dedicated and determined to try and address the disparity in community outcomes between rural and regional and metropolitan areas, including the need for access to and provision of high-quality secondary services during the perinatal period.

Olivia's Place is making a huge difference in our community by offering social, emotional, practical and material aid, along with referrals to the appropriate

support services for families and individuals. Over 250 families have received assistance from Olivia's Place since it was formed in 2012 by Kirsten Finger and Melissa Raymond.

Prior to the 2014 election the coalition government made a commitment to provide $200 000 over four years if re-elected. At that time it was recognised that the services being provided by Olivia's Place were excellent and filling a significant need in the community. It was also recognised that it was unfair to expect volunteers to continue to battle for funds to support the provision of these much-needed services and that it was incumbent on government to step in and take some responsibility in this critical area of need. Approaches have been made to the Andrews government, but nothing has been forthcoming. I call on the Minister for Health to partner with Olivia's Place so this critical service can continue.

Australian Reinforcing Company

Ms SULEYMAN (St Albans) — On Monday, 4 September, I visited the Australian Reinforcing Company (ARC) in Sunshine, together with the Minister for Industry and Employment. ARC has a very rich history in Sunshine; it has been operating since the 1920s and employs 180 locals. It was an honour to meet the new owners, Mr Sanjeev Gupta and Liberty House-GFG Alliance, a family business investing in the Australian steel industry, securing local jobs and ensuring the future for Liberty OneSteel's 900 workers across Victoria. It was also wonderful to meet in particular Steve, who has dedicated 44 years of his working life to the steel industry. ARC continues to grow and provide more jobs locally.

Anne-Maree Crivelli

Ms SULEYMAN — On another matter, I would like to thank principal Anne-Maree Crivelli of the Furlong Park School for Deaf Children for her outstanding work and service as an educator. Despite Mrs Crivelli moving on to oversee another school, I want to take this opportunity to thank her for the supportive and engaging role that she has undertaken for the last six years and the contribution she has made to every student at the Furlong Park School for Deaf Children. She has been an outstanding leader in the school community, transforming the Furlong Park School for Deaf Children in the last six years. We thank her and wish her the very best.

Speak Up Alexandra

Ms McLEISH (Eildon) — I was pleased to be able to attend a meeting of Speak Up Alexandra on Monday. Speak Up is a local self-advocacy group whose mission statement is to support people living with a disability in Alexandra. In 2014 a number of locals went to a training session run by the Self Advocacy Resource Unit and were so inspired by what they learned that they decided to form their own group. I met with Luke Taylor, Nicole Thorn, Nola Cook and Anne-Marie Fricke. I had previously had the pleasure of tenpin bowling with Nicole and Anne-Marie in Mansfield, and I am sure on the day we took a girls photo. I was impressed by the group, who had certainly honed their advocacy skills and done their homework. They presented me with a list of concerns and talked through the ideas they had for local improvements, including better footpaths, lighting and the installation of disability ramps.

Missing from the meeting on the day were Ian Hewitt, Evan Ditchburn and Jamie Watkins, which was disappointing. In particular, Ian was the instigator of getting me to the meeting. Every time he saw me he asked whether I would attend the meeting and when I was coming. Unfortunately Ian has not been so well lately, and wishes for a speedy recovery are now in order. Ian has been a presenter on the fabulous local radio station UGFM for almost 20 years, presenting his own two-hour weekly program, Limbo Rock, as well as covering Saturday afternoon football and netball. He also assists with the Dame Pattie Menzies segment. On top of that, Ian helps out with general maintenance and cleaning at the station and is seen as a very valuable team member and role model. Thanks also to Matthew Fowler and Wendy Kelly, who is a wonderful role model, matter-of-fact, good for a laugh and an inspiration to all.

Bayside bay trail

Mr RICHARDSON (Mordialloc) — The construction of the centenary bay trail along Beach Road has been a hotly debated issue for the City of Kingston council for more than 30 years. Sadly in 2017 the politicking at Kingston council continues around this project. I support the work of VicRoads, not politicians, in assessing the safety and suitability of the conditions of our roads in our community, including council projects. We place our trust and security in the technical experts at VicRoads on thousands of occasions each year in the design and safety of our busiest roads and freeways. To date they have not yet come back to Kingston council on their proposal.

However, I have been greatly concerned about the standard of debate on this issue and the comments made about a female councillor in recent months on an anonymous Facebook page. Everyone has the right in a democracy to put forward their views in a passionate and respectful way and to put forward their case. What is not acceptable is the deeply hurtful and personal attacks. Comments made about a female councillor by this anonymous page include 'Witch of the west is delusional, her broomstick must need servicing', 'She is a monumental female dog', 'We are in the realms of the wicked witch of the west', and, 'About time she f'ed off back under the rock it came out of' — referring to a female as an it. I read somewhere that 'You cannot teach an old dog new tricks', and then was referred to as a dog on this anonymous page.

These comments are out of line and deplorable. They do not have a place in our political debate. As a local representative I will always call out disrespect against women in every place.

Montmorency Bowling Club

Ms WARD (Eltham) — I thank the Montmorency Bowling Club for their exceptional bowls tutorial during the opening of the green last week. Of very special significance was the flying of the women's premiership flag. It was a great day to get out on the green and try out my amateur skills. Montmorency Bowling Club is an outstanding local club, and I wish Monty all the best for the 2017–18 bowls season. Particular thanks go to club chair Steve Hillam, vice-chair Ian Johns and secretary Phil Stirling, and a shout-out to women's president Judy White.

Eltham Bowling Club

Ms WARD — Thanks to Eltham Bowling Club for including me in their opening of the green last week. It was great to test out my skills and to savour Pam's delicious passionfruit sponge afterwards. Eltham is a fantastic club, and I wish them all the best for the 2017–18 bowls season. I particularly thank president Carol Schilling-Collins, secretary Meryl Spargo and assistant secretary Christine Guest.

St Helena Secondary College

Ms WARD — I want to brag to this place about the outstanding St Helena Secondary College production of *Rent*. It was an exceptionally mature and skilled performance. They were wonderful, and I am tremendously proud of them. Congratulations to cast members Morgan Cahill, Tom Potter, Paris Valentino, Lachlan Phipps, Meg Archibald, Stephanie Binion, Sam Bliss and Benoit Vari.

I also congratulate the creative team, especially director Chris Hewitt and the stage crew, backing vocalists, dancers, minor role cast members and ensemble cast members, including on backing vocals Zoe Manger, Tatum Sterling, Brooke Naismith, Renee Picciani, Nathaniel Roussety, Isabella Bourchier, Emma Banthorpe, Scott Pikington, Tom Henderson and Samantha Gordon; dancers Mikayla Ellis, Brooke Farrar, Charlotte Sier, Keera Francheschini, Jordyn V-Brown, Lauren Harvey-Hall, Ebony Binion, Aimee Kinnane, Zoe Wood, Paris Thomson, Mackenzie Cotter, Isabel Gallagher, Emma Banthorpe and Brooke Lockwood; in minor roles Brooke Naismith, Tatum Sterling, Zoe Rumble, Ben Hamilton, Scott Pilkington and Nathaniel Roussety; and in the ensemble Zoe Rumble, Emily Kandell, Ebony Willemse, Gabby Murray, Bernadette D'Agata, Candice Dower, Areeya Phrompradit, Jasmine Lockwood, Brooke Lockwood, Jemana Lotfy-Afify, Lachlan Shing, Tiarne Trengove, Abbie Henderson, Emillie Neil, Charlotte Fraser, Melissa Prtisis, Jess Moore, Jess Healy, Heather Richardson, Grace Galimbert-Espinoza, Sullivan Steele, Stella Heard, Sienna Levy, Emmerson Collings, Keisher Shearer, Tom Murphy, James Scott, Madison Penson, Jack Stewart, Joel Pilkington and Fadi Abo.

Victoria State Emergency Service Sunbury unit

Mr J. BULL (Sunbury) — It was outstanding to join members of the Victoria State Emergency Service (SES) Sunbury unit to celebrate 40 years of sacrifice, call-outs, training, fundraising, cold, wet and windy nights, tears, heartbreak and trauma. I commend all of the members of the Sunbury SES for their hard work, their dedication and their service to the Sunbury community.

LONG SERVICE LEAVE BILL 2017

Section 85 statement

Ms HUTCHINS (Minister for Industrial Relations) — I rise to make a section 85(5) statement in relation to the Long Service Leave Bill 2017, which is proposed to replace the Long Service Leave Act 1992.

I wish to make statements under section 85(5) of the Constitution Act 1975 of the reasons why one provision in the bill alters or varies section 85 of that act.

Clause 25(1) of the bill states that it is the intention of this section to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent bringing before the Supreme Court a

proceeding or matter of a kind referred to in clause 25(1) of this bill.

Clause 25(1) of this bill establishes the jurisdiction of the industrial division of the Magistrates Court to hear certain matters, including applications for the recovery of moneys, disputes over the taking of leave, and prosecutions for alleged breaches of provisions of the legislation. A similar provision is included in the current Long Service Leave Act 1992 at section 168.

The reason for limiting the jurisdiction of the Supreme Court in this instance is to ensure that the industrial division of the Magistrates Court serves as the primary body for determining matters under the long service leave legislation.

The right of any party to appeal to the Supreme Court on a question of law from a final order of the industrial division of the Magistrates Court is enshrined at clause 25(3)(b) of the bill.

ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE

Reference

Mr PAKULA (Attorney-General) — I move:

That, under section 33 of the Parliamentary Committees Act 2003, an inquiry into career advice activities in Victorian schools be referred to the Economic, Education, Jobs and Skills Committee for consideration and report no later than 30 September 2018 and the inquiry should include, but not be limited to:

(1) examining the relationship between career advice activities and workforce participation of young Victorians;

(2) investigating the extent to which career advice activities meet the needs of school leavers;

(3) examining the challenges advisers face helping young Victorians transition from education to the workforce;

(4) considering strategies to improve the effectiveness of career advice activities for school leavers;

(5) investigate the career advice needs of young people in regional Victoria and ways to address these needs; and

(6) exploring what other jurisdictions both in Australia and overseas have in place that could be implemented in Victoria.

This is a reference to the Economic Education, Jobs and Skills Committee regarding career advice activities and workforce participation for young Victorians. I am advised that that committee's current work program will conclude shortly and that some additional references will assist it in regard to continuing its work program for the rest of 2017 and into 2018.

Career advice activities and workforce participation for young people is a very important element of their education and their transition from education to the workforce. Having a 15-year-old in year 9 myself, I know that those sorts of conversations with career advice professionals have already commenced. It is a vital part not just of the career progression for those young people but of the matching that is required between industry and our educational institutions to ensure that the skills that our young people are accruing match, to the greatest extent possible, the needs of our economy. I think this is a valuable reference for the committee and I commend it to the house.

Mr CLARK (Box Hill) — The opposition supports this motion. My understanding is that, such a reference having been discussed between various committee members, there is general support and enthusiasm for it. It is, for the reasons the Attorney-General referred to, an important topic and one that will require a considerable amount of work by the committee to do properly. We wish the committee every success in undertaking the inquiry on this important topic, and we look forward to the outcome of their investigations.

Motion agreed to.

ECONOMIC, EDUCATION, JOBS AND SKILLS COMMITTEE

Reference

Mr PAKULA (Attorney-General) — I move:

That, under section 33 of the Parliamentary Committees Act 2003, an inquiry into the efficacy of the commonwealth government's national broadband network rollout on regional communities be referred to the Economic, Education, Jobs and Skills Committee for consideration and report and, in particular, the committee should:

(1) investigate the implications of poor internet connectivity and speed on productivity and jobs growth in regional Victoria;

(2) report into regional digital connectivity and the consequences of not rolling out the NBN with fibre to the node; and

(3) identify gaps in regional service delivery.

This is a further reference to the same committee. I have attended, along with a number of other ministers and members of this house and the other place, a range of regional assemblies in recent times. One of the first

topics that comes up at almost every one of them is connectivity, whether it be 3G connectivity or wi-fi connectivity. Those gaps that exist in regional communities are a really significant fetter on the capacity of young people to learn, on businesses to interact with other businesses and on everyday people to just do the things that we all take for granted in metropolitan Melbourne. This reference looking into the efficacy of the national broadband network and its rollout to regional communities will be a very important piece of work for that committee to do in conjunction with the reference that has just been forwarded by this house.

There is no doubt that poor internet connectivity and speed in our regions make life very difficult for young people in particular. So much of education now occurs online and so much of young people's capacity to engage with their friends and other people of their age is now tied up in internet connectivity. It is simply a matter of fact that the national broadband network rollout has been patchy. There is no doubt it is very effective in some parts of the state but quite ineffective, relatively, in other parts of the state. I was reminded to refer to a tweet I saw just the other day from Annabel Crabb:

> When people complained about the NBN, I used to think privately, 'Surely it can't be that bad'. I hereby apologise to those people.

That is but an example. Again I think it is worthwhile work for the committee to do to have a look at the way that that rollout is impacting on the educational opportunities of young Victorians, particularly those in regional Victoria, and to look at those gaps in terms of delivery and how that internet connectivity, which is so vital to those regional communities, could be better.

Mr SOUTHWICK (Caulfield) — I wish to in the first instance make some comments about the proposal put in front of us here today. There is no question that internet connectivity is a very, very important issue for all of us, particularly, as the Attorney-General said, in those regions. We see and hear about many businesses struggling in so many different ways. We have certainly made comments in this chamber about the issues of power for many of those businesses struggling to pay their bills. It is the same situation with the costs of operating the internet and the costs of operating a number of their different facilities.

The issue we see is that we should be using these parliamentary committees particularly to focus on what we can do as a state. There is no question that this is a commonwealth scheme — it has been rolled out by the commonwealth — and certainly the commonwealth picked up a lot of the mess that the former Labor government made in rolling out their program. In fact at some point workers downed tools in rolling out the network because it was late, there was no direction and the cost was absolutely out of control. We saw mistake after mistake made by the previous Labor government — firstly that Australians, including many Victorian businesses, would have to wait longer and pay more for the national broadband network (NBN).

The original fibre to the premises NBN policy was scheduled to cost $30 billion more and take six to eight years more to actually complete. When we are talking particularly about regional businesses, as the Attorney-General alluded to, those businesses cannot wait six to eight years to be connected. They need to be connected now. We know the speed of technology is such that by the time they are connected that technology will have been superseded. We need to ensure that we are using whatever we can — and certainly the federal government has been doing that — in terms of getting a rollout of the program.

We also saw that Labor's NBN passed just one in 50 premises, and now we have one in two premises connected — 50 per cent. Also under the Labor scheme taxpayers paid more than $6 billion for the NBN, which is just 3 per cent of Australian premises. Under Labor the rollout was very poorly managed.

What we have here is an NBN that will be connected to all premises by 2020, not six to eight years from rollout, and right now it is available to half of all Australian premises — more than 6 million premises. There are over 2.7 million active connections. Currently the NBN is connecting more users every two weeks than Labor connected during its entire time in government.

We know that the state government are poor at putting any plan together and poor at implementing any program at all, but what I would like to see — and I do certainly acknowledge the intent — is that if we are going to do a committee such as this, that it is important. But I do not think it should be an opportunity to just whack the federal government, because we have been elected here as representatives to do what we can as a state.

These parliamentary committees are very important. I have had the opportunity of sitting on a number of them. I chaired the Education and Training Committee in my first term here, and we did a lot of really, really good work. They were things that we could do and fix here in Victoria. We did not spend time whacking the federal government for what they have done or have not done.

What we should be doing here is focusing on the sorts of things that we can affect. As the Attorney-General suggested, the regional businesses that he has been visiting are hurting. We know they are hurting; we certainly know they are hurting because of their power bills. When it comes to increasing economic development, particularly in those regions, and locating many of the future industries, like big data centres, which we want to attract to Victoria, I acknowledge that this government has been making all sorts of ministerial, if you like, press release statements through LaunchVic trying to encourage businesses to come here — like with 500 Startups — and then telling them not to come here, and taking money and giving money back.

But at the end of the day, if we want these businesses to locate here, they need to do a couple of things: firstly, they need to acknowledge that absolutely they need connectivity; and secondly, they need power to run what they are actually doing, because big data centres will not locate themselves here in Victoria if they cannot have the power they need for what they are doing in terms of this technology.

At the moment we have a power shortage. In effect we are going into the summer months with threats of blackouts. We have escalating power prices, and when it comes to the future of businesses — whether it be manufacturing or future industries — we must ensure that we have affordable power, affordable energy, and connectivity running hand in hand. That is why we suggest some amendments to this parliamentary inquiry. We suggest the following. I move:

> That the words 'service delivery.' be omitted with the view of inserting in their place the words 'service delivery;
>
> (4) investigate what the state can do to embrace new technology to further improve internet connectivity; and
>
> (5) make recommendations that ensure sufficient power is available to further enhance ICT opportunities relating to big data and tech so Victoria can be a leader in the technology future.'

These amendments will make the inquiry more Victorian-centric. They will ensure that the work that the parliamentary inquiry will do will focus on ensuring the delivery of ICT that is forward thinking and that can ensure people are connected so that they locate their businesses here in Victoria. That is what we want to do. We do not want this to be a stunt to whack the government. We do not want it to be a stunt to whack the federal government and waste parliamentary resources. We have some very, very good parliamentary officers who diligently prepare the work for parliamentary committees. We do not want their time wasted by looking at work that affects the federal government. If this government is serious about fixing some of these problems, serious about attracting business investment and economic development and serious about ensuring that Victoria will be the leader when it comes to technology and ICT, I suggest it gets on board with these amendments and accepts them in good faith. We will work together to ensure that businesses can be connected, and we will look at how the state can have an impact on some of these things. It is not just to whack the feds but to look at how the state can actually affect some of these things and ensure that, importantly, businesses have power to run some of the new technologies coming forward. If they do not have the power and the energy and cannot afford to run their businesses, then they certainly will not be able to invest in Victoria, locate in Victoria and grow jobs.

With that, I would certainly hope that in good faith this government works with the coalition to ensure that we can deliver good internet connectivity and do whatever the state can do to deliver the best service we can possibly deliver. We need to ensure that we have enough energy to attract business investment and the sorts of support that will make us not only the leading state but the leading place in the world for businesses to come to so they set up in Victoria and grow jobs here in Victoria.

Ms NEVILLE (Minister for Police) — I am not sure when the last time the member for Caulfield went and visited some regional communities was, but I can tell you now, this is the talking point.

An honourable member interjected.

Ms NEVILLE — I live in regional Victoria, thank you very much. What we are talking about here is the national broadband network (NBN). The last time I looked the NBN was in fact a commonwealth program that is being partly funded by Victorian taxpayers. People want this to work, and we need it to work, but unfortunately with the commonwealth government that falls on deaf ears.

At the last community forum that I was at we were talking about one of the issues that had impacted on local communities, and the issue of the rollout of the NBN was hotly debated. I can tell you that the message from people was, 'Please do not roll it out to our house because things get worse when you get the NBN, not better'. No improvement — in fact you go backwards in regional Victoria if you get the NBN. You are better off sticking with the system you have got now. Given the cost of this to Victorian taxpayers and the impact, Victorian taxpayers in regional communities need an

opportunity to really be able to be part of a process of looking at what has gone wrong here.

Let us have a look at what some of those solutions are. Some of those solutions may be things that we can assist with, but the critical thing here is the base infrastructure that is being delivered as part of the NBN rollout. It is not our responsibility, but of course we are happy to be part of this discussion and debate to make it right for regional Victoria because we know how critical it is.

I am wondering if any of the National Party members are going to speak on this, because they will be hearing exactly what I have been hearing — that this is a disaster that is happening out there. If you have a policy that you want to regionalise your communities, you have to get internet connectivity right. We have an obligation and an opportunity to really explore this and give a voice to regional Victorians. Let us have a look at real solutions. The only person playing stunts is the member for Caulfield with his amendment.

Ms RYALL (Ringwood) — I rise in support of the amendment moved to the motion by the member for Caulfield. I am actually on the Economic, Education, Jobs and Skills Committee, and I wholeheartedly support this amendment. One of the key reasons is when we do inquiries and when we spend taxpayers money undertaking inquiries and using the resources of this Parliament for inquiries, Victorian people expect us to be able to make recommendations that can have an impact, recommendations to the government of the day on what it can do to make the changes necessary within the resources of the state government.

What this amendment does is apply additional terms of reference to make sure that we look at embracing new technology to further improve that internet connectivity. If those opposite think that that is a bad thing, I will be very surprised. When we look at the former federal government's national broadband network (NBN) proposal, they were talking about connectivity but that was not going to be fully rolled out until 2020. So concerning the suggestion that the time line is a problem, under the former federal Labor government it actually would have been a whole lot longer.

In terms of our committee structures, our committee deliberations and our committee recommendations, we need to be thinking about what we can do as a state and what we do in this state to actually improve the outcomes for people in regional Victoria. Looking at what we can do to embrace new technology to improve internet connectivity is absolutely vital.

The Minister for Police did make mention before of regional areas and issues that they are concerned about. They are absolutely concerned about power as well. To dismiss that as an issue in terms of something that would actually generate their internet connectivity is to avoid something that they are very, very concerned about. I highlight the shadow minister for innovation's point about —

Ms Ward interjected.

Ms RYALL — I will just ignore the interruptions by the rude member opposite.

The ACTING SPEAKER (**Mr McGuire**) — Order!

Ms RYALL — I highlight the fact that these issues are very concerning to regional members. In making sure that we look at attracting suitable businesses into the state, particularly businesses that relate to data warehousing, to big data and development, we need to actually make sure that they want to be here and that the underlying reasons that they may not be here are also addressed. These are tangible things that we can look at as a committee, tangible things that we can make recommendations about that will actually benefit those in regional Victoria. What we are looking at in our committees, what we are looking at with our parliamentary resources and what taxpayers in Victoria expect from us is to inquire into things we can actually do something about.

To ignore this amendment is actually saying to the Victorian people, 'We don't care what you think. We don't care that you expect us to make recommendations about what this government can do. We're just going to sideline you, and we're going to say that we just want to have a bash at the federal government'. And that is not what we are here for. That is not what the Victorian people expect from us, so I wholeheartedly support, as a member of this committee, the member for Caulfield's amendment.

Mr EDBROOKE (Frankston) — I rise to speak in favour of the Attorney-General's motion. It is certainly not for the state to step up and take responsibility and use its finite resources to fix a federal commitment that has turned out to be a debacle in many ways. Throughout many community forums I have in Frankston, the national broadband network (NBN) always comes up. I grew up in regional Victoria and also my parents still live in regional Victoria, and they believe that when the NBN rolls out to them they will be worse off. It is certainly not our responsibility to deal with this. It is our responsibility to look into it, see

where it has failed, see what can be done and identify the problems to make sure that the federal government fixes it.

In Frankston we have federal MPs stepping out every day talking about providing compensation for traders. Maybe they should be looking in their own backyard and seeing how businesses are affected in regional areas by the fact they were promised a good, reliable NBN and it is a flop and their businesses are suffering because of it. I wholeheartedly speak in favour of this motion. As far as the amendment goes, I cannot really make sense of the member's amendment. I do not see why we should be taking responsibility for this at all.

Mr HIBBINS (Prahran) — The Greens will be supporting this motion because we are aware of the absolute importance of the national broadband network (NBN) to this state, and it is an absolutely critical piece of infrastructure. I appreciate the focus of the motion and the focus of the proposed inquiry into regional areas. I would point out that the issues faced in terms of broadband connectivity are metropolitan issues as well, and certainly I have had a number of constituents contact me about the poor internet connectivity in the Prahran electorate. We certainly are affected by the change in approach to the NBN that the current federal government has taken.

I always go back to that moment when the current Prime Minister was appointed by the previous Prime Minister as the shadow communications minister. The mission statement given to the shadow minister at the time was to destroy the NBN — they were the words that came out of the then federal Leader of the Opposition's mouth — and they are doing a pretty good job of it with the approach they have taken.

I can give you the example in my area of this technology mix where they were using the Optus cable. The proposal to use the Optus cable to run the NBN, which has been found to be completely unsuitable for its actual needs, just shows the absolute flaws in the current federal government's approach to the NBN.

We will be supporting this motion. We think it is in the state's interest that we are certainly advocating for the state's needs in regard to the NBN and in regard to broadband. In relation to the amendment, from what I can see of proposed point (4) —

> investigate what the state can do to embrace new technology to further improve internet connectivity —

I do not see a problem with that. Proposed point (5) reads:

> make recommendations that ensure sufficient power is available …

Get out of the way of renewables; there is your recommendation. I think that is pretty easy, so I do not necessarily think there is a need to expand the scope of the motion in that regard.

We will be supporting this motion. The Greens have always believed in an effective NBN. We have always had concerns about the current federal government's approach to the NBN. It has been, quite frankly, a disaster. I understand there are always concerns about state inquiries taking on federal issues and the opportunities for political pointscoring and that sort of thing. I hear those concerns, so it really would be incumbent on this committee to follow the letter of what is in the motion and really come up with something that they could strongly advocate to the federal government for so we can get a decent NBN service in this state.

The ACTING SPEAKER (**Mr McGuire**) — The Attorney-General has moved a motion to refer an inquiry relating to the national broadband network to the Economic, Education, Jobs and Skills Committee. The member for Caulfield has moved an amendment to omit certain words and insert other words. The question is:

> That the words proposed to be omitted stand part of the motion.

Members supporting the amendment moved by the member for Caulfield should vote no.

House divided on question:

Ayes, 46

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

Noes, 37

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

Question agreed to.

Motion agreed to.

CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017

Statement of compatibility

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

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

In my opinion, the Corrections Legislation Further Amendment Bill 2017, as introduced to the Legislative Assembly, is compatible with the human rights set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The Corrections Legislation Further Amendment Bill 2017 (the bill) makes a range of amendments to the Corrections Act 1986 (the Corrections Act) to increase security at premises where the adult parole board meets or where relevant employees are located; clarify powers in relation to the removal of electronic monitoring devices from offenders, and the use of firearms during prison emergencies; introduce new offences in relation to certain forms of prison contraband, provide for certain officers to supervise or conduct tests of prisoners on parole and community-based offenders for alcohol or drug use; and amend and clarify provisions relating to the adult parole board.

The bill also amends the Major Crime (Investigative Powers) Act 2004 to clarify the arrangements for supervision of prisoners appearing before the chief examiner, and contains consequential amendments to the Bail Act 1977 and the Victoria Police Act 2013.

Powers of security officers

Clause 9 of the bill inserts a new division 1B in part 8 of the Corrections Act to create a new class of officer under the act. The functions of 'security officers' are to provide security functions at premises where the adult parole board meets (board premises) or at premises where employees who are assisting the board to perform its functions are located. Security officers will also have functions to provide security in relation to any risk posed by a prisoner on parole who is attending in person at board premises, and, if required, to assist a police officer at board premises. These new powers are being introduced to address concerns raised by the adult parole board about incidents of violence or threats of violence by prisoners where the board is considering cancelling parole, or has advised the prisoner of the board's decision to cancel their parole, and is awaiting police attendance. This period of time before police attendance raises increased security risks that may require immediate action, such as detaining an agitated or aggressive prisoner who suspects or is aware that they may be returning to prison, and taking measures to ensure the prisoner does not attempt to leave the premises before police can execute a warrant to re-imprison.

New section 55L sets out the powers that security officers may exercise in performing their functions. These powers are tailored to the specific needs of the adult parole board, and include the power to:

carry out a garment search, pat-down search or a scanning search of a prisoner on parole and anything in their possession or under their control;

seize anything found during a search of a prisoner on parole, if the security officer believes on reasonable grounds that seizure is necessary for the safety of any person;

supervise, escort or accompany a prisoner on parole who is attending board premises;

direct a prisoner on parole to do or not to do anything that the security officer believes on reasonable grounds is necessary for the safety of any person;

if necessary, use reasonable force (including use of a weapon other than a firearm) to compel a prisoner on parole to obey a direction given by a security officer or a police officer;

apply an instrument of restraint to the prisoner on parole if the security officer believes on reasonable grounds that its application is necessary to prevent injury to any person;

arrest without a warrant a prisoner on parole if the security officer believes on reasonable grounds that the prisoner has committed an indictable offence, or the board cancels the prisoner's parole, and detain the prisoner until the prisoner is delivered into the custody of a police officer.

New section 55O provides that a security officer is not liable for injury or damage caused by the use of force, or the application of an instrument of restraint, in accordance with the relevant provisions of section 55L.

Search and seizure powers — privacy (section 13) and property (section 20)

Section 13(a) of the charter provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. The concept of 'privacy' encompasses notions of personal autonomy and dignity. The power for security officers to conduct searches of prisoners on parole will constitute a potential interference with the right to privacy. However, an interference with privacy will only limit the right in section 13(a) of the charter if it amounts to an unlawful or arbitrary interference.

In my view, the power of a security officer to conduct a pat-down, garment or scanning search of a prisoner on parole as provided for in new section 55L will not constitute an arbitrary or unlawful interference with privacy. The limited circumstances in which a search may be conducted are clearly set out in the relevant provisions and any interference with a person's privacy that occurs will therefore be permitted by law. Further, the search powers are not arbitrary as they may only be exercised by security officers in the performance of their functions, which are in turn limited to providing security at board premises and other related functions. These powers strike an appropriate balance between upholding privacy and protecting the security of board premises. For these reasons, I am satisfied that the search and seizure powers in new section 55L introduced by the bill do not limit the right to privacy.

The property right as protected by section 20 of the charter is also relevant to the power of security officers to seize anything found during a search of a prisoner on parole where the security officer believes on reasonable grounds that seizure is necessary for the safety of any person. That right protects against the deprivation of property other than in accordance with law. In my view, due to the clear and confined circumstances in which this power may be exercised, any deprivation of property will be in accordance with law. I note also that, under new section 55M, if a security officer seizes anything under new section 55L, they must deal with the thing in accordance with the regulations, report the seizure to the secretary and record the details of the seizure in a register established and kept by the secretary.

Use of reasonable force and powers of arrest — rights to life (section 9), freedom of movement (section 12), bodily privacy (section 13), security of person (section 21), humane treatment when deprived of liberty (section 21) and protection from cruel, inhuman or degrading treatment (section 10)

The powers of security officers in new section 55L to use reasonable force (including use of a weapon other than a firearm) to compel a prisoner on parole to obey a direction and apply instruments of restraint will necessarily involve the physical restraint or apprehension of a prisoner on parole, which may constitute an interference with that person's rights to life (section 9), freedom of movement (section 12), bodily privacy (section 13), security of person (section 21), humane treatment when deprived of liberty (section 21) and protection from cruel, inhuman or degrading treatment (section 10).

The use of force may reasonably limit these rights provided it occurs within the framework of the law and with the objective of protecting public order, people's lives or property. Human rights principles require that the law and policies governing the use of force protect life to the greatest extent possible and include safeguards to confine the circumstances in which force is used. Any use of force must be no more than absolutely necessary and strictly proportionate to achieving a clearly defined lawful purpose.

The use of force under new section 55L must be reasonable, and may only be used if necessary to compel a prisoner to follow a direction believed to be necessary for the safety of any person. Where a prisoner on parole obeys a lawful order from a security officer or a police officer, it will not be necessary to use force. Further, a security officer may only apply an instrument of restraint to a prisoner on parole if the security officer believes on reasonable grounds that it is necessary to prevent injury to any person. Any instrument of restraint must be approved by the secretary, and can only be used in the manner determined by the secretary. As further oversight, section 55N requires a security officer who has used force or applied an instrument of restraint in accordance with new section 55L to report this to the secretary as soon as possible.

Having regard to the important purpose of ensuring the security of adult parole board premises and the safety of staff and other persons present, I am satisfied that the powers in respect of the use of reasonable force and application of instruments of restraint are reasonable and proportionate in the circumstances. Some of these incidents have arisen before police officers have arrived at the premises where the adult parole board is sitting. In light of the concerns raised by the board regarding the security risks raised by prisoners on parole who are or have been interviewed by the board becoming agitated and violent at the prospect of being returned to prison, I am satisfied that there are no less restrictive means available to achieve the purpose of these provisions. The powers are appropriately limited and accompanied by adequate oversight and safeguards, to protect against the risk of inappropriate use of force.

Accordingly, in my opinion any limits to the rights of prisoners on parole to life, freedom of movement, bodily privacy, security of person, humane treatment when deprived of liberty and protection from cruel, inhuman or degrading treatment, occasioned by these powers, are demonstrably justified in accordance with section 7(2) of the charter and can be balanced against the need to protect the safety and lives of the board's staff.

The power of security officers to arrest and detain a prisoner on parole without warrant in certain circumstances may also particularly engage the liberty rights in section 21 of the charter. The right in section 21(2) of the charter provides that a person must not be subjected to arbitrary arrest or detention. Section 21(3) provides that a person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law.

In my opinion, the grounds for arrest under new section 55L are clear and appropriate, and cannot be regarded as arbitrary. The power of arrest requires the officer to reasonably believe the prisoner on parole has committed an indictable offence, or that the adult parole board has cancelled the prisoner's parole. Further, pursuant to new section 55L(4), after arresting a prisoner a security officer must deliver the prisoner into the custody of a police officer as soon as practicable, to be dealt with according to law or to be returned to prison. The arrest power, therefore, is appropriately confined so as not to allow a deprivation of liberty for longer than necessary or otherwise than in accordance with the law.

For these reasons, I consider that the arrest and detention powers contained in new section 55L do not limit the right to liberty.

Immunity of security officers for use of force — fair hearing (section 24(1))

Section 24(1) of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding determined by a competent, independent and impartial court or tribunal after a fair and public hearing. In the context of civil proceedings, the fair hearing right in section 24(1) of the charter might encompass an implied right to access to the courts.

The right in section 24(1) may appear to be relevant to new section 55O in the bill, to the extent that it affects the circumstances in which a person may bring legal proceedings in relation to particular matters or against certain people. New section 55O, inserted by clause 9 of the bill, provides an immunity for a security officer for damage caused by the use of force, or the application of an instrument of restraint, in accordance with the relevant provisions of section 55L.

In my opinion, new section 55O does not limit the right to a fair hearing as protected by the charter. It does not provide the security officer or the Crown with a blanket immunity from suit. Rather, it provides for an immunity in limited circumstances, which affects the substantive content of legal rights which may otherwise exist. Further, it neither impedes access to the courts, nor does it repeal, alter or vary the courts' jurisdiction.

For these reasons, I am satisfied that the bill does not limit and is compatible with the right in section 24(1) of the charter.

Removal of electronic monitoring devices or equipment worn by prisoners and offenders — privacy (section 13)

A number of provisions of the bill create express powers for Victoria Police and Corrections Victoria to remove electronic monitoring devices or equipment from prisoners in custody, prisoners on parole and offenders subject to community correction orders in certain circumstances. For example, if an offender is arrested and taken into custody an electronic monitoring device will be removed to prevent tampering, misuse, stigmatisation or self-harm. The device or equipment may be evidence of an offence, such as entry into an exclusion zone or breach of a curfew.

Clause 7 of the bill inserts a new subsection into section 30 of the Corrections Act, relating to electronic monitoring of prisoners, to provide that on a direction given by the Governor, a prison officer may remove, for any purpose, an electronic monitoring device worn by a prisoner who is subject to an order under section 30.

Clause 18 of the bill inserts a new division 8 of part 8 into the Corrections Act, to create an express power for police officers, police custody officers, prison officers, escort officers, security officers, specified officers under the Serious Sex Offenders (Detention and Supervision) Act 2009 and authorised employees of the department, to remove electronic monitoring devices or equipment from prisoners on parole in certain circumstances. The power, contained in new section 79L, will apply following the variation or revocation of a term or condition of a parole order, or the cancellation or elapsing of a prisoner's parole, or where a prisoner with an electronic monitoring term or condition is under arrest on suspicion of having committed an offence.

Clause 21 of the bill inserts a new division 6A of part 9 into the Corrections Act, to create an express power for police officers, police custody officers, prison officers, escort officers, community corrections officers and authorised employees of the department, to remove electronic monitoring devices or equipment from offenders who are subject to community correction orders, on certain circumstances. The power, contained in new section 104AAA of the act, will apply where an electronic monitoring condition of a community correction order is varied to remove the requirement, suspended or cancelled, or the community correction order is cancelled or expires.

In most cases it is likely that prisoners and offenders will generally agree to the removal of the electronic monitoring devices and equipment. Each of these express powers confirms the lawful authority to remove the electronic monitoring devices without requiring the express consent of the prisoner, prisoner on parole or other offender. However, in the case of prisoners on parole and offenders subject to community correction orders, new sections 79L and 104AAA require the officer, if practicable, to inform the prisoner that removal of the device is to occur, that they may consent to the removal, and that if they do not consent, reasonable force may be used. If consent is not given, the officer may use reasonable force to remove the device or equipment from the prisoner, and may enter a place where the prisoner resides in order to remove the device or equipment and reasonable force would be used as a last resort.

The removal of an electronic monitoring device from a prisoner or an offender will, in most cases, result in a lessening of interference with their human rights. However, I acknowledge that the physical act of removing the device or equipment from a person's body, as provided for under these new provisions, and entering their home to do so if required, may constitute a limited interference with the right to privacy, through interference with a person's personal privacy and physical integrity and privacy of the home. Any such interference will be, in my view, neither unlawful nor arbitrary. The circumstances in which the device or equipment may be removed, and who may remove it, are clearly set out in the provisions. The removal will occur for a particular reason; for example, due to a change to the prisoner or offender's order where it is no longer necessary for them to wear the device or equipment, where it is necessary to ensure the integrity of the device or equipment, or where it is necessary to retain it as evidence for an offence. Further, the provisions seek to ensure that, where practicable, the prisoner or offender's consent be obtained prior to the removal. In the case of prisoners in custody, the removal may only occur on the direction of the Governor.

Where it becomes necessary to use reasonable force to remove the device or equipment because the person does not consent to the removal, this may raise additional charter rights, including the rights to life (section 9), freedom of movement (section 12), security of person (section 21), humane treatment when deprived of liberty (section 21) and protection from cruel, inhuman or degrading treatment (section 10). However, I am satisfied that any limit to these rights will be reasonable and proportionate, having regard to the matters referred to above and the important objectives of ensuring the effective operation of the electronic monitoring schemes (which are based on preventing the risk of

reoffending) and the protection of property through the relevant officer taking possession of the device or equipment to return it to the secretary of the department or to Corrections Victoria staff. In the case of persons not in custody, reasonable force will only be used where the person has refused to provide their consent to the removal and where they have been previously warned, if practicable, that force would be used as a last resort. Further, reasonable force will only be used to the extent and for the length of time necessary to remove the device or equipment from the prisoner.

For these reasons, I am satisfied that the provisions contained in clauses 7, 18 and 21 of the bill are not limited and are compatible with the rights contained in the charter.

Use of firearms by police exercising powers of a prison officer — right to life (section 9), and to humane treatment when deprived of liberty (section 22)

Clause 6 of the bill inserts a new section 23A into the Corrections Act to confirm the powers of police officers who have been authorised to exercise the powers of a prison officer in the case of an emergency, in relation to the use of firearms. New section 23A provides that a police officer who is authorised under section 15 to exercise all or any of the powers of a prisoner officer is, when exercising those powers, subject to certain specified conditions on the use of firearms. The powers and conditions contained in new section 23A mirror the provisions in existing sections 55EB and 55E of the Corrections Act, which apply to the use of firearms by escort officers.

Section 23A(2) provides that a police officer may only discharge a firearm at a prisoner if the prisoner escapes or attempts to escape from custody and the officer reasonably believes that discharging the firearm is the only practicable way to prevent the escape of the prisoner from custody. Sections 23A(3) and (4) provide that a police officer may also discharge a firearm at a person (not necessarily being a prisoner) only if the officer reasonably believes that the person is aiding a prisoner in escaping or attempting to escape from custody and discharging the firearm is the only practicable way to prevent the escape of the prisoner from custody; or the person is using force or threatening force against certain specified individuals and the police officer reasonably believes that discharging the firearm is the only practicable way to prevent that person causing death or serious injury.

Section 23A(5)(a) provides that before discharging a firearm at a person under section 23A, a police officer must, if it is practicable to do so, give an oral warning that the person will be shot at if they do not cease engaging in the relevant conduct. Section 23A(5)(b) also provides that a police officer must be satisfied that discharging the firearm at the person does not create an unnecessary risk to any other person.

The right to life in section 9 of the charter is relevant to new section 23A of the Corrections Act. Section 9 provides that every person has a right not to be arbitrarily deprived of life. The effect of new section 23A is to confirm the authorisation of the discharge of a firearm in circumstances involving serious threats posed to prison security or the safety of others, and as a method of last resort following the issuing of a warning (which has been ineffective). Any interference with the right to life that may occur as a result of the authorised discharge of a firearm in these circumstances will therefore not be arbitrary.

New section 23A relates to the discharge of a firearm of a type that is prescribed by regulation to be a non-lethal firearm. It provides that a police officer may discharge a prescribed non-lethal firearm at a person if the police officer reasonably believes that discharging the firearm is the only practicable way to prevent, control or stop a riot in a prison or to prevent a serious threat to the security or good order of the prison.

The right to humane treatment when deprived of liberty in section 22 of the charter is relevant to new section 23A. However, to the extent that these human rights may be limited by the use of a non-lethal firearm, I consider that any such limitation would be reasonable and demonstrably justified pursuant to section 7(2) of the charter. The circumstances in which section 23A authorises a police officer to use a prescribed non-lethal firearm are limited, such that it must be the only practicable means of maintaining or restoring security or good order within a prison.

For completeness, I note that I am of the view that the powers contained in new section 23A do not amount to cruel, inhuman or degrading treatment within the meaning of section 10(b) of the charter, because they do not facilitate the deliberate imposition of severe suffering nor do they permit intentional conduct to harm, humiliate or debase a prisoner. However, even if the right in s 10(b) of the charter was relevant, I am satisfied that any limitation would be demonstrably justified for the reasons identified above.

Alcohol and drug testing of prisoners and offenders — privacy (section 13(a)) and medical treatment without consent (section 10(c))

A number of provisions in the bill make amendments to the Corrections Act to provide Corrections Victoria officers to supervise prisoners on parole and offenders who are subject to community correction orders who are undergoing alcohol or drug tests, or to conduct the tests themselves (rather than, for example, to be conducted at a pathology clinic). The purpose of these amendments is to ensure that prisoners and offenders who are directed to undergo testing for alcohol, drugs of dependence or certain poisons are prevented from undermining or 'cheating' the system by providing fake samples. The amendments will also ensure that the drug and alcohol arrangements for prisoners on parole or community-based offenders are consistent with what occurs in the prison environment, where section 29A of the Corrections Act permits testing to be conducted by a prison officer.

Clause 14 of the bill amends section 76A of the Corrections Act, which provides for the secretary to direct a prisoner on parole, who is subject to a parole order containing an abstinence, treatment or testing condition, to submit to tests to assess whether the prisoner has consumed or used alcohol, any drug of dependence or a schedule 8 poison or schedule 9 poison. New subparagraph 76A(2)(c), inserted by clause 14, will provide for the test to be conducted or supervised by an officer within the meaning of part 9 of the Corrections Act, if the secretary so directs. To the extent practicable, a urine test must be conducted or supervised by an officer who is the same gender as that with which the person being tested identifies or, if the person so requests, a different gender, which accords with the right to non-discrimination under section 8 of the charter.

Clause 17 of the bill amends section 78P of the Corrections Act which requires prisoners on parole to submit, at the direction of a specified officer, to breath testing, urinalysis, or

other test procedures approved by the secretary for detecting alcohol or drug use. Under section 78P, a specified officer may give a direction if the officer has reasonable grounds to suspect that the prisoner on parole has breached a condition of the parole order by consuming alcohol or drugs. Clause 17 inserts a new subsection 78P(3) to provide that a test or procedure may be conducted or supervised by a specified officer, if a specified officer reasonably believes that the direction is necessary to ensure the reliability and accuracy of the test or procedure.

Clause 20 of the bill amends section 99A of the Corrections Act, which enables the secretary to direct an offender taking part in a community correction program under the act, to submit to tests to assess whether the offender is under the influence of alcohol, any drug of dependence, or any schedule 8 or schedule 9 poison. The secretary may only give a direction under this section if the secretary considers it necessary to do so for the management, good order or security of a location (i.e. a community corrections centre, or a place which an offender must attend for any purpose), for the safety and welfare of offenders at a location, or in order for an offender to perform unpaid community work at a location. Clause 20 inserts a new subparagraph 99A(2)(c), providing that the tests may be conducted or supervised by an officer within the meaning of part 9 of the Corrections Act, if the secretary so directs. The secretary may only give a direction where there is a reasonable belief that the direction is necessary to ensure the reliability and accuracy of the test or procedure, and, to the extent practicable a urine test must be conducted or supervised by an officer who is the same gender as that with which the person being tested identifies or, if the person so requests, a different gender.

Compelling a prisoner on parole or an offender who is subject to a community correction order to submit to alcohol or drug tests, and supervising the conduct of the tests, engage the right to privacy in section 13(a) of the charter. Privacy covers the physical and personal integrity of a person, and therefore includes the freedom from compulsory blood, breath or urine tests. However, as the tests will not be unlawful or arbitrary, I do not consider that the right to privacy is limited by the powers in sections 76A, 78P or 99A. This is because the powers are appropriately tailored to their purpose and confined to specific circumstances. In the case of section 76A, the relevant prisoner will be subject to a parole order containing an abstinence, treatment or testing condition, and the testing is therefore essential to ensure compliance with that order. Section 78P will only apply to high-risk prisoners on parole, and a specified officer may only direct a prisoner on parole to undergo testing if they have reasonable grounds to suspect the prisoner has breached a condition of the parole order by consuming alcohol or drugs. Similarly, the power in section 99A will only arise and is balanced against where it is considered necessary for the management, good order or security of a location or for the safety and welfare of offenders at an unpaid community work location.

Section 10(c) of the charter provides that a person has the right not to be subjected to medical treatment without his or her full, free and informed consent. In my view, it is unlikely that the forensic procedures permitted under these provisions would constitute 'medical treatment' within the meaning of the charter. In any event, even if such procedures did constitute medical treatment, any limitation would be reasonable and demonstrably justified under s 7(2) of the charter because such tests are conducted in limited circumstances, and for the important public purposes of ensuring that the person is complying with any relevant parole conditions or the conditions of participation in a community corrections program, or to ensure the management, good order, and security of an unpaid community work site and the safety and welfare of offenders. These measures, in turn, lessen the risk of the prisoner or offender reoffending or posing a danger to the community. The interference caused, if any, with the right not to be subject to medical treatment without consent is relatively minor, appropriately circumscribed, and proportionate to the end sought to be achieved.

For these reasons, I am satisfied that the provisions relating to alcohol and drug testing contained in the bill are compatible with the human rights protected by the charter.

Amendments to parole scheme — privacy (s 13(a)) and liberty of the person (s 21)

The bill makes various amendments to confirm existing arrangements or improve the operation of the parole scheme.

For example, clause 10 inserts a new subsection into section 70 of the Corrections Act, relating to the obligations of the secretary to provide assistance to the adult parole board. New section 70(3) will provide that when so required by the board in the performance of its functions, the secretary must report to the board on any matter concerning an offender. This will facilitate the secretary supplying to the board a parole suitability report for the purposes of the board making a decision to grant parole, continue parole, or cancel parole.

To the extent that the requirement for the secretary to report to the adult parole board may involve the disclosure of prisoner's personal information, in my view, any such disclosure will not constitute an arbitrary or unlawful interference with privacy. The limited circumstances in which personal or confidential information may be shared are clearly set out in the relevant provisions and are appropriately circumscribed. I am satisfied that any interference with a prisoner's privacy that occurs will therefore be permitted by law. Further, the ability of the adult parole board to gather relevant information about a prisoner, for the purpose of assessing their suitability to be released on parole, is not arbitrary as it is for legitimate purposes that are relevant to and necessary for the performance of the duties and functions of the board, and to reduce the risk of a person being inappropriately released on parole or having their parole continued. For these reasons, I am satisfied that clause 10 of the bill does not limit the right to privacy under section 13 of the charter.

Clauses 12, 15 and 16 of the bill insert new subsections into sections 74, 77 and 78 of the Corrections Act, to provide that, when the adult parole board is determining whether to release prisoners on parole after service of non-parole period, the board must have regard to the record of the court in relation to the offending, including the judgement and the reasons for the sentence. These amendments will ensure consistency with existing sections 74AAA and 74AABA, and will confirm existing practices of the board. The liberty rights contained in section 21 of the charter can be relevant to decisions by the adult parole board in respect of whether or not a prisoner who has served their non-parole period should be released on parole. Section 21(1) of the charter provides that every person has the right to liberty. Section 21(2) provides that a person must not be subjected to arbitrary detention. Section 21(3) provides that a person must not be deprived of his or her

liberty except on the grounds and in accordance with procedures established by law.

In my view, however, sections 74, 77 and 78 of the Corrections Act (as amended by clauses 12, 15 and 16 of the bill) engage but do not limit the right to liberty of the person. It is well established that the right to liberty of the person is reasonably and justifiably limited where a person is deprived of their liberty under a sentence of imprisonment, after conviction for a criminal offence by an independent court following a fair hearing. These provisions affect the granting and cancellation of parole. They do not increase the limitation on the right to liberty caused by the original sentence. Where parole is refused or cancelled, the person is ultimately required to serve the full sentence imposed by the court as punishment for the offence and for the protection of the community. There is no right or entitlement to release on parole, nor to the continuation of a particular legislative scheme for release on parole for the duration of a person's sentence.

Further rights that may appear relevant to decisions about parole include section 25(1) of the charter, which provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law; section 26, which states that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law; and section 27(2) that provides that a penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

In my opinion, neither a refusal to make an order for parole, nor cancellation of parole, can be characterised as punishment. In both cases, the prisoner is merely required to serve the full sentence imposed by the court for the original offence.

Accordingly, I am satisfied that these amendments relating to parole are compatible with the human rights protected by the charter.

Offences relating to contraband — presumption of innocence (section 25(1)) and protection against double punishment (section 26)

Presumption of innocence (reverse onus)

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

The right to be presumed innocent may be considered relevant to clause 8 of the bill, which contains provisions which place an evidential burden on a defendant.

The purpose of clause 8 of the bill is to ensure an appropriate penalty and sufficient deterrence for the possession or use of certain contraband items that pose the most significant risks in Victorian prisons. This would address an issue with the existing criminal offence in section 32(1)(c) of the Corrections Act, which is confined to prohibiting the entry of contraband into a prison and carries a maximum of two years imprisonment. The possession and use of contraband is currently a prison offence which is managed by each governor using internal disciplinary processes, rather than referred to prosecution (unless the contraband relates to an existing criminal offence under other legislation, such as the use of illicit drugs).

Currently, some types of contraband as a prison offence are only punishable by a fine under the Corrections Act and constitute a prison offence within the meaning of section 48 of the Corrections Act because it is a contravention of the Corrections Act or Corrections Regulations 2009. The possession of unauthorised items is a prison offence in accordance with regulation 50 of the Corrections Regulations 2009. The disciplinary proceedings for a prison offence are set out in section 50 of the Corrections Act. These disciplinary proceedings include a reprimand, withdrawal of privileges or being charged with a prison offence to be dealt with at a governor's hearing. If the governor's hearing finds a prisoner guilty of the prison offence, the governor may impose a reprimand, withdrawal of privileges or a fine up to one penalty point (one penalty point is $155.46 from 1 July 2016 to 30 June 2017 and $158.57 from 1 July 2017).

Under clause 8 of the bill, the most serious types of contraband will now be punishable by imprisonment. The new criminal offence is for possession or use of certain types of contraband in prisons with levels of penalty based on the gravity and seriousness of the contraband. This will address contraband that poses the most serious security risk to prison security, cause harm or death or is a conduit for engaging in further criminal activity, such as mobile phones or other electronic communication devices.

Clause 8 of the bill inserts new section 31A(1) into the Corrections Act to create an offence for prisoners to possess, make, use, control, conceal, give or supply certain contraband items inside a prison without a reasonable excuse. The offence carries graduated levels of penalty, based on the seriousness of the threat posed by the item. Under this provision, category 1 items will include items that relate to existing criminal offences, such as drugs, explosive substances, child abuse material and weapons, as well as electronic communication devices. Category 2 items include drug paraphernalia, unauthorised prescription drugs, electronic storage or recording devices and electronic devices capable of processing information. 'Possession' is interpreted as not just actual or physical possession, but would extend to custody or control of the item.

Further, new section 31A(3) provides that in a proceeding for an offence against section 31A, evidence that a category 1 or a category 2 item is found in a room occupied solely by a prisoner or on the person of a prisoner is evidence that the item is in the possession of the prisoner.

New section 31A(1) requires the accused to raise evidence as to their knowledge or belief in respect of certain matters in order to avoid conviction. Section 31A(1) requires an accused to raise evidence that they have 'a reasonable excuse'. This imposes an evidential onus on the accused. However, it does not transfer the legal burden of proof because, once they have adduced or pointed to some evidence that would establish the excuse on balance, the burden then shifts back to the prosecution to prove beyond reasonable doubt the absence of the excuse raised, as well as each element of the offence.

Similarly, section 31A(3) does not create a reverse legal onus, as it only requires an accused to raise reasonable doubt that contradicts the presumption that they possessed the item in

contravention of section 31A(1), after which the prosecution would still be required to prove the essential elements of the offence. The evidential onus in section 31A(3) recognises that the presence of a contraband item in a room occupied solely by a prisoner, or on the person of the prisoner, is a prima facie indication that the person has unlawfully possessed the item. Further, the presumption is necessary to address the difficulties in proving such offences in the prison environment; there are no less restrictive options available in these circumstances.

Courts in other jurisdictions have generally taken the approach that an evidential onus on an accused person to raise a defence does not limit the presumption of innocence. The defences and excuses provided in new section 31A relate to matters that will be peculiarly within the knowledge of the defendant. Further, I note that the defences are included in the bill to enable a defendant to escape liability in circumstances of genuinely having a reasonable excuse or where there is evidence that a contraband item was not in their possession despite appearances. This reflects the need to minimise the risk that a person may be convicted of an offence when they are innocent of the conduct at which the offences are aimed.

For the above reasons, I am satisfied that the provisions of the bill do not limit the right to be presumed innocent in section 25(1) of the charter.

Double punishment

Section 26 of the charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law.

In addition to being prohibited under new section 31A in clause 8 of the bill, it may be a separate criminal offence for a prisoner to possess or use a category 1 or 2 item. A prisoner may therefore be charged with both the contraband offence and the substantive criminal offence. As noted above, this aligns with the existing criminal offence in section 32 of the Corrections Act, which prohibits the entry of contraband into a prison and carries a maximum of two years imprisonment, including entry of contraband that may be a an separate criminal offence under the criminal law, such as illicit drugs. A prisoner who introduces, possesses or uses contraband into a prison may therefore be charged with both the contraband offence and the substantive criminal offence.

As noted above, the new criminal offence for possession or use of certain types of contraband in prisons with levels of penalty based on the gravity and seriousness of the contraband. This will address contraband that poses the most serious security risk to prison security, cause harm or death or is a conduit for engaging in further criminal activity, such as mobile phones or other electronic communication devices.

The new offence contained in section 31A reflects an existing prohibition on contraband that forms part of the conditions of the sentence of imprisonment under the administration of that sentence under the Corrections Act. Section 48 of the Corrections Act defines a prison offence to mean a contravention of that act or the regulations, and hence includes the existing contraband offence in section 32 of that act and would apply to the new offence in clause 8 of the bill. The contraband offence is a separate offence from any other criminal offence that may apply. The rationale for imposing discrete criminal liability for these offences is that possessing, making, using, controlling, concealing, giving or supplying these items constitutes a breach of the prisoner's sentence of imprisonment, being a breach of the condition of the prisoner's confinement under the administration of that sentence under the Corrections Act (see *Lecornu v. R* [2012] VSCA 137).

Existing section 16 of the Sentencing Act 1991 provides that every term of imprisonment imposed on a prisoner by a court in respect of a prison offence must, unless otherwise directed by the court because of the existence of exceptional circumstances, be served cumulatively on any uncompleted sentence or sentences of imprisonment imposed on that prisoner, whether before or at the same time as that term.

Accordingly, new section 31A does not constitute double punishment and the right in section 26 of the charter is not limited by the bill.

Clarification of conditions on whether or not to make a parole order for prisoner who murdered police officer

Clause 24 of the bill also inserts a new transitional provision, new section 127A, into the Corrections Act relating to section 74AAA. Section 74AAA came into operation on 14 December 2016 to provide for additional conditions governing the decision about whether or not to grant parole to a prisoner who is serving a sentence for murder of a police officer. The provision applies in respect of a prisoner convicted and sentenced to a term of imprisonment with a non-parole period for the murder of a person, where the prisoner knew, or was reckless as to whether the person was, a police officer.

As outlined in the statement of compatibility for the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016, section 74AAA applies to all prisoners sentenced for such offending, and all existing applications for parole from such prisoners, including those lodged but not yet determined. That statement of compatibility acknowledged that section 74AA was potentially incompatible with the rights in sections 10(b) and 22(1) of the charter, in light of the effect the limitation will have on certain individual sentenced prisoners and the potential availability of less restrictive alternative measures.

The new transitional provision inserted by the bill provides that, to avoid doubt, the amendments referred to above apply to a prisoner convicted and sentenced as mentioned in section 74AAA(1), regardless of whether, before the commencement of those amendments, the prisoner had become eligible for parole, the prisoner had taken any steps to ask the board to grant the prisoner parole, or the board had begun any consideration of whether the prisoner should be granted parole. The board may, in its discretion, treat any steps taken by a prisoner to ask the board to grant the prisoner parole, being steps taken before the commencement of those amendments, as being an application lodged with the secretary under section 74AAA(2).This amendment is intended to put beyond doubt that section 74AAA applies to all prisoners who meet the description in section 74AAA(1), even if they became eligible for parole, took any steps before that date to ask the board to grant parole, or the board had begun any consideration of whether the prisoner should be granted parole before 14 December 2016.

The amendment only operates to clarify the point from which section 74AAA of the Corrections Act operates, spelling out

more clearly what was always the intended position in relation to that provision. It does not extend the operation of the provision. As such, it does not raise any new charter issues that would alter the charter analysis contained in the statement of compatibility for the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016.

Amendment of the Major Crime (Investigative Powers) Act 2004

Clause 25 of the bill amends section 18 of the Major Crime (Investigative Powers) Act 2004 (Major Crime Act) to provide statutory basis for established practices relating to the custody of prisoners ordered to attend examinations of the chief examiner.

Section 18 of the Major Crime Act provides for an application to be made to the Supreme Court or the chief examiner for an order that a proposed witness held in custody be delivered into the custody of a police officer for the purpose of bringing the person before the chief examiner to give evidence at an examination. After they have given their evidence, section 18 requires that the police officer delivers the prisoner to the place of detention at which the prisoner was held or detained at the time of the application for the order. Clause 25 of the bill amends section 18(7) to provide that any police officer (rather than the specifically named police officer) may deliver the prisoner to the place of detention. Further, the amendments enable the prisoner to be returned to another place of detention determined by the secretary (if it is a prison) or by the Chief Commissioner of Police (if it is a police gaol).

The bill also provides for police custody officers and escort officers to supervise the person, whilst they remain in the custody of the relevant police officer.

In my opinion, the amendments to custody arrangements for the purposes of examinations under the Major Crime Act do not limit any human rights under the charter. The bringing of a prisoner in custody before the chief examiner does not alter or increase the limitation on the prisoner's liberty caused by their original sentence or their freedom of movement. As such, I am satisfied that the provisions do not limit the rights in section 21 of the charter. I note also that police officers are public authorities under the charter, and therefore must comply with the obligations to act compatibly with and give proper consideration to rights that are relevant to the treatment of detained persons while the prisoners are in their custody pursuant to these provisions, such as the right to humane treatment when deprived of liberty (section 22 under the charter).

The Hon. Lisa Neville, MP
Minister for Police

Second reading

Ms NEVILLE (Minister for Police) — I move:

That this bill be now read a second time.

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

In summary, the bill will amend the Corrections Act 1986 and the Major Crimes (Investigative Powers) Act 2004 to:

introduce a new offence to strengthen the operation of the corrections system by addressing the possession or use of prohibited contraband in prisons;

create a new security officer role to provide security at the adult parole board;

improve the operation of the parole system including putting beyond doubt application of laws introduced last year in cases of police murderers;

create an explicit power to remove electronic monitoring devices or equipment;

clarify that provisions relating to discharge of firearms in prison emergencies apply to police officers who are authorised to exercise the powers of prison officers;

allow regulations to permit a trial of paid prisoner employment scheme with a mandatory contribution to victims of crime and their families;

make provision for community corrections officers to carry out or supervise alcohol and drug tests;

clarify the custody arrangements of prisoners appearing before the chief examiner.

Stronger penalties for prison contraband

Contraband in prison must be stopped and deterred. Contraband poses security risks, including to staff and other prisoners. Contraband can also be used as a means of escape and to organise crime. As a first step, the government recently introduced legislation into Parliament in 2017 to ban 'drones' and helicopters from entering prisons, including to combat contraband.

This bill goes further by targeting the worst types of contraband found in prisons and on prisoners.

Currently, some types of contraband as a prison offence are only punishable by a fine. This is manifestly inadequate. Under this bill, the most serious types of contraband will now be punishable by imprisonment.

The bill will strengthen prison security by introducing a new offence for possessing or using certain contraband without reasonable excuse. This will include making, controlling, concealing, giving or supplying the contraband in prison.

The new offence will target the most serious types of contraband, including explosives, firearms, weapons, drugs, child exploitation material, mobile phones and other electronic communication devices, called Category 1 contraband. The offence will also apply to a second category of contraband including unauthorised prescription drugs, drug paraphernalia, electronic storage equipment and recording (for example, photography) equipment which is not communication capable. Contraband to which the new offence applies will be split into these two categories with penalties appropriate to the seriousness of the offence.

Category 1 contraband will attract a maximum penalty of two years imprisonment, while category 2 will attract a maximum of 12 months imprisonment. This broadly aligns with the current maximum penalty to introduce contraband into prisons which carries up to two years imprisonment.

Under the Sentencing Act 1991 if the prisoner is already serving a sentence at the same time as receiving a term of imprisonment for the contraband offence, the new sentence must be served on top unless exceptional circumstances apply.

These amendments will ensure that the possession and use of contraband in prisons carry stiffer penalties than in the past. Corrections Victoria will continue to work closely with Victoria Police in keeping our prisons clean of contraband and prosecuting those who breach prison security.

Security at the adult parole board

The security of staff is vital to the safe operation of the corrections system. The security of staff and members of the adult parole board has become an issue due to the safety incidents at the premises of the board when the prisoner's parole has been cancelled or while the prisoner on parole is attending for interview by the board. Some of these incidents have occurred before Victoria Police have arrived at the premises where the adult parole board is sitting. The risk of a prisoner on parole absconding in these circumstances will also be addressed by these amendments.

In order to ensure the safety of staff and members of the adult parole board, the bill introduces a new class of security officer in the Corrections Act. This will address specific needs of the adult parole board and its staff who were consulted in the development of this reform.

The new security officers will have the power under the Corrections Act to use reasonable force, including use of handcuffs, and also may be authorised under the Control of Weapons Act 1990 to use oleoresin capsicum spray and extendable batons. These powers are consistent with the statutory powers available to manage prisoners in custody, serious sex offenders in the community and high-risk prisoners on parole in the community who are supervised by the security and emergency services group of Corrections Victoria.

The bill also gives security officers power to arrest and detain a prisoner on parole without warrant upon forming a reasonable belief that the prisoner on parole has committed an indictable offence, or upon cancellation of parole. The officers will hold the prisoner and then hand them over to Victoria Police upon their attendance, which is a similar power held by protective services officers in designated areas in the community. The bill ensures security officers use of reasonable force includes enforcing a direction given by a police officer (in addition to enforcing a direction given by the security officer).

The new class of officers will be drawn from an existing pool of prison officers from Corrections Victoria who have the necessary skills and experience to undertake these functions including returning prisoners to custody. The officers may assist the adult parole board when required including on short notice outside business hours. The government has worked closely with the board in the development of this reform.

Parole amendments

The bill also makes amendments to improve or confirm existing arrangements within the parole system.

Last year, Parliament passed legislation imposing strict limits on the granting of parole for prisoners sentenced for the murder of a police officer. Section 74AAA of the Corrections Act, which commenced on 14 December 2016, restricts the granting parole to such a prisoner to circumstances where the prisoner no longer has the physical ability to harm any person and has demonstrated they do not pose a risk to the community. To put beyond doubt the application of these requirements, the bill inserts a transitional provision into the Corrections Act to make explicit that section 74AAA applies to a prisoner convicted and sentenced as mentioned in section 74AAA(1), regardless of whether, before the commencement of those amendments, the prisoner had become eligible for parole, the prisoner had taken any steps to ask the board to grant the prisoner parole, or the board had begun any consideration of whether or not the prisoner should be granted parole. The board may, in its discretion, treat any steps taken by a prisoner to ask the board to grant the prisoner parole, being steps taken before the commencement of those amendments, as being an application lodged with the secretary under section 74AAA(2). The amendment confirms the original intent of the legislation.

The bill also makes other amendments to improve or confirm existing arrangements within the parole system, including:

a. confirming the power of the adult parole board to require reports from the secretary to the department to perform its parole functions, and to require further reports or information, including reports to assess suitability of prisoners to be released on parole or to remain on parole.

b. reflecting current practice by inserting a requirement in parole decisions that the adult parole board must have regard to the record of the court, including the judgement and the reasons for sentence, when making parole decisions including cancellation of parole; and

c. confirming the minimum number of members of the serious violent offender or sexual offender parole division of the adult parole board is at least two members.

Removal of electronic monitoring devices

Electronic monitoring devices are used to monitor prisoners in prison, parole conditions and community correction orders (such as exclusion zones and curfews).

The requirement for electronic monitoring may be cancelled or revoked or may expire. In most cases the removal of electronic monitoring devices is conducted with the consent of the offender. However, there is no legal power to remove the electronic monitoring devices or equipment (such as an ankle bracelet or device at a home) as the condition to wear the device no longer exists.

The bill will allow electronic monitoring devices to be removed from prisoners, prisoners on parole and offenders without their consent. The provisions will also allow the use of reasonable force to remove an electronic monitoring device or entry to the premises of the offender or parolee to remove any electronic monitoring equipment at the residence. If an offender is arrested and taken into Victoria Police custody an electronic monitoring device will be removed to prevent tampering, misuse, stigmatisation or self-harm. The device or equipment may be evidence of an offence, such as entry into an exclusion zone or breach of a curfew.

Use of firearms

Under the Corrections Act, police officers may be authorised to act as prison officers in the case of a prison emergency such as a riot. Sections 55EB and 55EC of the Corrections Act states the circumstances in which escort officers may discharge firearms, and any requirements prior to discharge, such as giving a warning. These conditions on the use of firearms do not apply automatically to police officers who are authorised to act as prison officers. The bill therefore explicitly provides that these provisions also apply to authorised police officers.

These amendments will clarify the power of Victoria Police to respond to serious incidents in prisons including to allow the use of non-lethal firearms when authorised with powers of prison officers and escort officers.

The bill does not limit the existing powers and duties of police officers when performing their role as police officers. This amendment confirms existing arrangements between Corrections Victoria and Victoria Police and existing provisions of the Corrections Regulations 2009 to keep prisons safe and secure when responding to serious incidents.

Paid prisoner employment scheme

Paid employment of prisoners was recommended in the 2005 Victorian Ombudsman report *Investigation into the Rehabilitation and Reintegration of Prisoners in Victoria*. This bill takes the step of allowing for the commencement of a trial of paid employment at the Judy Lazarus Transition Centre, with the long-term goal of expanding the program to other minimum-security prisons including low-security prisons for women.

Importantly, prisoners participating in the scheme will be required to make a contribution from their earnings to a pool of funds for assisting victims of crime and their family members. Contributions will be on a sliding scale, meaning that contributions increase as earnings increase. Also, prisoner access to their wages will be limited in order to ensure that prisoners have financial resources available for their post-release needs and provide a reduced strain on post-release services, both state and commonwealth.

Limiting prisoner access to wages will also prevent other inmates from abusing the system by targeting employed prisoners or gambling.

All employers currently engaged in the prisoner work experience program during 2017 provided skills in entry-level jobs in the hospitality, construction, and fitness industries responded to the invitation from Corrections Victoria to provide information about a proposed trial of a paid prisoner employment program.

All work prisoner employment placements must be assessed as suitable by the Secretary to the Department of Justice and Regulation. Prisoners excluded from the scheme include prisoners sentenced for violent or sexual offences and a prohibition on child-related employment.

These participants indicated that, based on their experience, they would employ the prisoner currently working with them on a paid basis under applicable state or federal award conditions. All program participants also said they would be likely to continue the employment of the prisoner upon release.

Alcohol and drug testing

Offenders in the community may be required to undergo alcohol or drug testing such as part of the conditions on a community correction order or parole order. Some of these offenders have been found to be attempting to provide substitute samples at pathology clinics.

In some cases suspicious pathology staff have felt intimidated by offenders and this is clearly unfair.

The bill therefore includes new powers in the Corrections Act for community corrections staff to supervise and carry out tests. This will occur when the Secretary to the Department of Justice and Regulation (or delegate) reasonably believes it is required to ensure an accurate assessment of the alcohol or drug use of the offender. These powers will only apply to breath or urine tests. The bill will require tests be conducted or supervised by an officer who is the same gender as that with which the person being tested identifies or, if the person so requests, a different gender.

This amendment will ensure evidence of compliance with parole orders and community correction orders can be obtained safely, reliably and accurately.

Prisoners giving evidence for the purpose of the Major Crimes (Investigative Powers) Act

Following consultation with Victoria Police, the bill also clarifies the technical anomalies in the custody, transport and supervision arrangements for persons in prisons or police gaols who are required to give evidence at an examination hearing before the chief examiner appointed under the Major Crimes (Investigative Powers) Act.

Currently the individual officer who sought the examination order must have carriage of the custody of the prisoner, which is impractical and time-consuming for Victoria Police. In practice, Corrections Victoria escort officer or other police officers transport the prisoner in the presence of the officer who sought the examination order.

The bill will allow any police officer, police custody officer, prison officer or escort officer to take custody and return the prisoner to a place of detention. The bill will also allow prisoners to be returned to places of detention other than the location where the prisoner was originally held — be that a prison or a police gaol. Further, the amendments will allow corrections staff and police custody officers to provide temporary supervision support or assistance to Victoria Police officers during the giving of examinations, including during adjournments.

This bill represents another step the government is taking to ensure the smooth operation of the corrections system and keep the community safe.

I commend the bill to the house.

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

Debate adjourned until Thursday, 21 September.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REAL-TIME PRESCRIPTION MONITORING) BILL 2017

Second reading

Debate resumed from 6 September; motion of Ms HENNESSY (Minister for Health).

Ms KEALY (Lowan) — I rise to continue my contribution to the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017. During my contribution yesterday I outlined the main provisions of the bill and also some of the areas of concern that I had around the bill, and I would like to go into further detail around those concerns.

It is important that we get this bill right. We know that last year we lost 372 people to fatal pharmaceutical overdoses. This is a serious issue when you compare this number with the number of people who died of, say, heroin overdoses — 172 last year. I believe we lost about 195 people to the road toll.

So this is a significant issue for Victoria, and it is overdue that we do something to help support doctors, to support pharmacists and to support the people who are battling addiction of pharmaceutical drugs. Eight out of 10 of these fatal pharmaceutical overdoses involved benzodiazepine. We do need to do more to educate doctors about the risks of prescribing benzos. This is a high-risk, highly addictive drug, and I think that the medical community needs to take more responsibility in trying to avoid people becoming addicted in the first place.

In terms of what this program will deliver, it really will only help support doctors where there is already a history of dependence on pharmaceutical drugs. It will not deter people from actually getting on those drugs and being prescribed those drugs in the first instance. I think that the medical community and the pharmaceutical community need to take greater action, more affirmative action, to try and reduce the number of original prescriptions of these high-risk, highly addictive pain relief drugs. We need to also ensure that alternatives are provided wherever possible because of course if people are not addicted to these substances in the first place, then they are not going to have an accidental fatal overdose.

When we talk about these numbers, the 372 lives that were lost last year, it is easy to think about this as just another statistic — that is the risk of how we speak about things as politicians and how the media discuss them as well. But at the end of the day these are individuals — these are people who have absolutely struggled with their own addictions. And it does not just impact on the individuals who are no longer with us today — there are thousands of Victorians who currently have a pharmaceutical medication addiction. We think about the impacts on not only these individuals but also their families, their friends, their colleagues and the wider community. Pharmaceutical drug addiction runs deep across the state, and while the real-time prescription monitoring system will help to better manage the prescription and dispensation of these drugs, we need to provide better support to make sure that these people who are looking to access drug therapy and drug treatment are able to do so.

Currently there are a number of drug rehab centres across the state where you have to wait in excess of 12 months to get drug treatment. It is simply unacceptable. Unfortunately, when the Labor government first came into power in 2014, they scrapped funding that the Liberal and National government had put in place for three residential rehabilitation centres. As a result we have seen drug use skyrocket and we have seen access to rehabilitation wait lists grow. People are falling through the cracks and out of the system. We are facing a drug crisis in the state. Drug crime is also escalating. It is deeply concerning to see those statistics and to think that we are really not offering enough for these individuals.

That brings up another issue around the introduction of real-time prescription monitoring system. We may be cutting off supply of pharmaceutical drugs for a number of people who already have an addiction. We need to ensure that we have an alcohol and other drugs (AOD) sector that is equipped to be able to deal with what may be an influx of people who have a pharmaceutical drug dependence and a requirement for urgent treatment.

We also need to ensure that we provide better support to clinicians and pharmacists within those clinics and pharmacies because there is no doubt — and I have seen it firsthand — when somebody who has an addiction to a pharmaceutical drug comes into a medical clinic it is their expectation they will leave with a script for that drug. They can become highly agitated if they are unable to get access to that drug, putting clinic staff at risk, putting medical staff at risk and also putting the wider community at risk. They become quite desperate at that point in time. The police are usually involved. It is a crisis. I am concerned that we will not be providing enough educational support about

the risks of implementing this system in terms of how it will operate in clinical settings in real life.

Other concerns that I have are around a system that only imposes a financial penalty to doctors. I realise this is out of bounds of what is able to be put in place in legislation, but I think it is incumbent upon the Australian Health Practitioner Regulation Agency (AHPRA) to better provide support for clinicians who have been overprescribing addictive medicines, and that there is not just a slap on the wrist for wrongdoing but serious sanctions put in place for doctors who are found to be overprescribing these drugs or who are found to have not been appropriately checking the database to see whether somebody has a significant history of doctor shopping or frequently accessing prescriptions for these drugs.

Unfortunately I think that often AHPRA falls on the concept that doctors have a right to maintain their business and that AHPRA cannot take steps to block them from earning an income. But there are dodgy doctors out there, there are doctors who are not doing the right thing and they should be sanctioned or, if they are found to be breaching this legislation, they should be deregistered. It should be beyond a financial penalty. I urge AHPRA to support the intention of this bill to weed out those dodgy doctors and to encourage doctors to do the right thing and to avoid prescribing these high-risk, highly addictive medicines where it is possible.

We also need to ensure that there is seamless interaction and a seamless transition to the national scheme. As I stated yesterday, I do not want politics to mean that we have gaps in the system whereby the Victorian system does not fully integrate with the national system. The electorate of Lowan is on the border, and I think that communities that are along the Victorian–South Australian border and the Victorian–New South Wales border are most at risk.

These are rural communities where there is often a shortage of doctors. There are doctors who have been trained overseas and may not be aware of the requirements around checking the database in Victoria and in Australia. We need to provide these doctors with the support they need so they understand the system. Also, we need to make sure that people who do have pharmaceutical drug dependence do not automatically float out to the regional areas where there is the least ability to provide support for them.

Already we have critical doctor shortages. In Horsham we have a challenge where Lister House, the main clinic in town, has gone from 30 GPs down to just six GPs in a little over eight months. We need better incentives to attract doctors to rural and regional areas of Victoria, and putting pressure on them by people moving towards the borders if there are any gaps in this real-time prescription monitoring system across Australia would be negligent on the part of the government. I urge them not to play politics with this issue but to make sure that they work closely with the federal coalition government so that we do not have any gaps. It will save lives if they choose to go down that path.

I have concerns that there is no outline of the minimum requirements or a minimum number of identifies that a doctor must use to search the database. I am concerned that a doctor could simply type into the database 'John Smith' and say, 'I couldn't find the one that we were looking for', and use that as an explanation or a reason to get out of receiving any financial penalty or sanction. I think we need to look at that, perhaps through the regulations — that is, a minimum expectation of how somebody would try to find a patient within the database. We need to look at the next steps for the database and how it can better integrate into some of the more common practice management systems such as the MedicalDirector or Zedmed. We need to support clinics to transition to those systems.

I would like to go back and refer to the individuals and the families who really have made this happen. I would like to acknowledge John and Marg Millington, who have made the effort to come into Parliament again today to hear the contributions from both sides of Parliament around the introduction of this legislation. John and Marg have nothing but my absolute respect and support for all they have done in sharing Simon's story and tirelessly advocating for over a decade to make this happen. They have achieved that. We have achieved that today. I have outlined some concerns but in no way is that disrespectful to what they are seeking to achieve.

I refer back to the extremely moving letter that the Millingtons supplied to me and that I read into *Hansard* yesterday. For people reading through this contribution, I strongly encourage them to read through my contribution yesterday so they can refer to that letter and understand the heartfelt contribution from the Millingtons and what this legislation means to them. I thank the Millingtons for tirelessly pursuing this matter, all the other families who have assisted to raise awareness about how important it is that governments take action to deal with pharmaceutical drug dependence and also of course ScriptWise, the Wimmera Drug Action Taskforce and the other groups that have approached me and engaged with me to ensure that we have a system such as

real-time prescription monitoring introduced in the state of Victoria.

Ms WILLIAMS (Dandenong) — Many of those members in this place will have been touched in some way by the issue of prescription drug addiction and in some cases overdose. It may be through our constituents or it may be through friends or family. But for too many this pain is very close to home.

I would like to acknowledge that we have Margaret and John Millington in the gallery today, who very tragically lost their son, Simon, to a prescription drug overdose. Sadly this is not the only loss that the Millington family has endured, and I want to acknowledge that broader story of the family and all they have endured. I also want to acknowledge all that they have given back to our community, especially Margaret. I know she is heavily involved in so many initiatives and enterprises. She is a powerhouse, and we in this place should all show her great respect for so many reasons. Thank you for being here today and being a part of this as well. I cannot imagine the pain of the Millingtons, and I know that there is nothing that can take it away, but I do hope that this legislation before the house today gives them some level of comfort.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Electorate office budgets

Mr GUY (Leader of the Opposition) — My question is to the Premier. With invoices showing that Khalil Eideh's office ordered 7000 basic flyers for the Craigieburn Festival at the spectacularly pricey cost of over $4000 — around seven to 10 times the regular printing rate — Premier, what inquiries have you made with Mr Eideh and other Labor MPs and what action have you taken since yesterday to find out about and deal with this latest rorting scandal in your rotten, rort-ridden government, or are you yet again putting your head in the sand and pretending that you know nothing?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. I do not know; maybe there would be a few bottles of Grange worth four grand. What do you think? And a few meals with the mob that might have cost about $4000. Thanks for your lecture, Leader of the Opposition — Captain Probity over there, who could not lie straight in bed when it comes to these matters and whose story keeps on changing.

Honourable members interjecting.

The SPEAKER — Order! That escalated quickly. I understand it is Thursday, but I will not have members shouting across the chamber. I will begin to remove members from the chamber without warning if they persist in shouting at that volume.

Mr ANDREWS — Were there 20 people at the dinner? Were there 12 people at the dinner? Did you drink the wine or did you not drink the wine?

Mr Guy — On a point of order, Speaker, I know that the Premier is angry as usual today, but I would ask you to bring him back to answering a very straightforward question about the 7000 basic flyers that cost 7 to 10 times the amount they should have cost — paid for by the taxpayer — and what he has done to his member. What conversations has he had with his member to end the culture of rorting that is engulfing his government?

The SPEAKER — Order! The Premier will answer the question.

Mr ANDREWS — I expect many people were very angry to learn that the Leader of the Opposition takes money from the mob. I expect many people were angry to learn that. As the Leader of the Opposition knows —

Mr R. Smith — On a point of order, Speaker, the Premier is defying your ruling immediately on getting to his feet —

Honourable members interjecting.

Mr R. Smith — Finished? The Premier —

Honourable members interjecting.

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

Honourable member for Frankston withdrew from chamber.

Mr R. Smith — The Premier has a history of backing rorting Presiding Officers. There is one over there and there is one over there, and maybe he should answer some questions about this one.

The SPEAKER — Order! I ask the Premier to answer the question.

Mr ANDREWS — As the Leader of the Opposition I think would know, the administration of electorate entitlements is a matter for Presiding Officers. If he has got an alternative proposal by way of a change to the rules of this place, then he ought to announce it, but the

administration of printing budgets and other electorate office entitlements is properly the province of Presiding Officers. Those arrangements are subject to regular auditing involving the Auditor-General. And indeed, Speaker, in direct answer to the Leader of the Opposition's question, those matters are the subject of an investigation and a review, as announced by Mr President in the other place.

Supplementary question

Mr GUY (Leader of the Opposition) — With Mr Eideh refusing to admit responsibility for this rorting and instead trying to blame his staff, Premier, given you are not prepared to do anything about it yourself, are you prepared to have this rorting independently investigated by referring it to Victoria Police?

Mr ANDREWS (Premier) — I have greater confidence, it seems, in reviews conducted by the President in the other place than the Leader of the Opposition. I have complete confidence that the Leader of the Opposition is wrong to question the —

Honourable members interjecting.

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

Honourable member for Ripon withdrew from chamber.

Mr ANDREWS — I am confident that the Leader of the Opposition is wrong when he questions the ability of Presiding Officers in this and the other place to deal with these matters, to look at them thoroughly. What is more, the Auditor-General has a brief around these matters. It seems that the Leader of the Opposition does not have confidence in those arrangements. And given his recent form on self-referral, I do not think he is in any position to lecture anyone about referring matters off to —

Mr Guy interjected.

Mr ANDREWS — The Leader of the Opposition — honestly! If only I could have an extension of time.

Ministers statements: economy

Mr ANDREWS (Premier) — It is not a ministerial statement about bogus self-referrals to IBAC; it is a ministerial statement in relation to the very strong economic performance of the state of Victoria. We of course boast the fastest growing economy in our nation. If only the noise of those opposite contributed to economic growth, we would be going even better, would we not? The most recent data shows state final demand growing by 4.7 per cent in the year to June 2017. What a fantastic result, and one that all Victorians should be proud of and one for which every member of this place should send best wishes to businesses, to workers, to those who are making investments and keeping our state strong.

Of course, both households and businesses are more confident in their economic future, with some 3.4 per cent in additional spending by families and with companies investing 20.5 per cent more over the year — a fantastic result for jobs. We are not just talking about jobs and growth but actually delivering it. We have seen around a quarter of a million new jobs created over this term, and 70 per cent of those — 161 000 of them indeed — are stable, secure, full-time positions.

We will continue to play our part as a government, as a public sector, in the infrastructure our state needs, putting Victorians to work, building the things that are necessary — not talking about them, not wasting a moment, let alone wasting four long, miserable, indolent years. No wonder we need to do so much now, given that those opposite did so little — just one of the reasons they find themselves on that side of the house.

Electorate office budgets

Mr GUY (Leader of the Opposition) — My question is to the Premier. Premier, despite your Deputy President, Khalil Eideh, providing only selective evidence to substantiate almost a dozen invoices, he included ordering letterhead with printing costs of more than $1 a page, which is at least 10 times normal market rates. Premier, given you will not tell Victorians what you have done about this rorting and will not refer it to the police, are you prepared to give your personal guarantee to Victorians that Mr Eideh has not been inflating invoice costs to see the money returned and be used to pay for Labor Party branch memberships?

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition! The member for Bentleigh!

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. He quotes evidence as he sees it. He seems to have some knowledge of investigations that are being conducted. Those investigations do not involve, might I suggest, the Leader of the Opposition or any member of the executive. Those investigations, those inquiries, are matters between the

member involved and the Presiding Officers. If the Leader of the Opposition is uncomfortable with that, he can make a policy announcement if he chooses to, or he can continue to play games and laugh as he likes to. There is nothing funny about this. It should be dealt with properly, and it is.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, your Speaker resigned for rorting electorate allowances. Your Deputy Speaker resigned for rorting electorate allowances. Premier, given your refusal to back your Deputy President, does he continue to retain your confidence or will he too soon be resigning for rorting electorate allowances?

Honourable members interjecting.

The SPEAKER — Order! The Minister for Roads and Road Safety! The member for Warrandyte!

Mr ANDREWS (Premier) — Unlike the Leader of the Opposition, I think it is appropriate to allow investigations to run their course. Much like the investigation into the conduct of the member for Ovens Valley, which is being conducted by Victoria Police, it is appropriate that it be allowed to run its course while he sits on the front bench opposite. The issue here is that where processes are underway they ought to be allowed to run their course.

Mr Guy — On a point of order, Speaker, on relevance, I did not ask the Premier for a commentary on an investigation. I asked the Premier —

Honourable members interjecting.

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

Honourable member for Bentleigh withdrew from chamber.

Mr Guy — I actually asked the Premier if he has confidence in Mr Eideh, and he is refusing to give the answer. Does he have confidence in that man or not? Obviously you do not.

Mr ANDREWS — On the point of order, Speaker, I submit to you that my answer is completely relevant and in accordance with the standing orders. And while I have an opportunity, might I indicate to the Leader of the Opposition that he did not ask me about lobster with the mobster, but you are going to hear a lot more about it.

Honourable members interjecting.

The SPEAKER — Order! The Premier to answer the question.

Mr ANDREWS — As I was indicating, there is a process in place. And just as processes that might involve those on the opposite side of the house ought to be allowed to run their course, so too should this one. You will not find me interfering in it.

Ministers statements: economy

Mr PALLAS (Treasurer) — I rise to update the house on the exceptional performance of the Victorian economy. National accounts figures that were issued yesterday confirm that Victoria is yet again leading the nation. Over the year to June Victoria grew by 4.7 per cent. This is the strongest result of all the states, and it is nearly double both the national figure and the result in New South Wales.

Business investment is up 20 per cent over the year, reflecting of course the confidence that the business community has in this government. Household spending is up 3.4 per cent, reflecting increased consumer sentiment, supported by nearly a quarter of a million jobs that have been created by this government in our time in office. Consumer confidence, a strong construction sector, a booming labour market and our strong budgetary management are all driving these impressive results. Just a few days ago further Australian Bureau of Statistics data confirmed that Victoria's exports have experienced the highest annual growth in the nation.

When those opposite occupied the government benches our economy stalled to an average of just 1.7 per cent per annum — pathetic. Since this government has been in power Victoria has well and truly been on the march. Our state final demand has grown by an average of 4.4 per cent under this government. On every significant economic indicator Victorians are better off under this government. Job creation, economic growth, consumer confidence, retail sales, business investment — they all tell the same story. Sometimes I think we need an episode of *Mythbusters* on Spring Street to bust that crazy myth that those opposite are better at managing the economy. Guess what? They are not.

Electorate office budgets

Mr GUY (Leader of the Opposition) — My question is the Premier. I refer to the fact that the second printing firm outed by Labor Party whistleblowers, Cheson Printing & Publishing in St Albans, is under investigation by the Parliament, and I ask: which of your Labor Party MPs has used Cheson

Printing, and can you guarantee that the invoices generated have all been legitimate?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. Those who are engaged to provide printing services, the moneys they pay, all of those matters, are rightly a matter between the Parliament, the Department of Parliamentary Services and individual members of Parliament. If the Leader of the Opposition is seriously inviting members of the executive to go through each and every expenditure of each and every member of this place, that is a very substantial departure from the way the system has operated for a very long time. It is not my intention to and no member of the government will be trampling all over processes that the President in the other place and you yourself, Speaker, have put in place.

It is interesting that the Leader of the Opposition asks about invoices and inappropriate behaviour. There is an investigation going on right now about invoices and inappropriate behaviour in relation to someone on the other side of the house. That investigation should be allowed to run its course, as should this one. That is our policy, and that is our practice.

Supplementary question

Mr GUY (Leader of the Opposition) — It is well-known that Khalil Eideh's electorate officer Mr Mammarella is seeking to have his son replace the rorting member for Melton as Labor's candidate in Melton. Premier, can you guarantee that no taxpayer funds rorted through either F & M Printing or Cheson Printing have been used to fund Labor Party branch memberships to influence Labor's upcoming Melton preselection?

Mr ANDREWS (Premier) — You have got to question the credibility of questions that start with 'It is well-known' — that well-known evidentiary test! 'It is well-known', apparently, says the Leader of the Opposition. 'It is well-known'.

The Leader of the Opposition can shout and scream all he wants and make all his pathetic little insults from across there. They will not change the fact, with your red lips, with your Grange-encrusted mouth. We know you take their money. We know that you eat their food. And on cue —

Mr Guy — On a point of order, Speaker, on relevance, I know that the Premier does not want to answer this question, but I ask you to bring him back to it. Can he guarantee that no taxpayer funds are being siphoned off to be used to fund Labor Party branch memberships in the seat of Melton? He is not answering that question, and we know why. Bring him back to answering that question.

The SPEAKER — I ask the Premier to come back to answering the question.

Mr ANDREWS — It is well-known and I can guarantee that I have not gone and had Grange with any mobsters. I do not conspire to take their money, and it is also well-known and I can guarantee that there is an investigation ongoing, and it will not be interrupted or interfered with by any member of this government. Whether the Leader of the Opposition can say the same is a matter for him.

Mr Walsh — On a point of order, Speaker, concerning the last question from the Leader of the Opposition, under sessional order 9(2), I believe the Premier has been unresponsive, and I would ask you to have him provide a written response to the Parliament, please.

The SPEAKER — I will consider that one carefully at the conclusion of question time.

Ministers statements: Murray-Darling Basin

Ms NEVILLE (Minister for Water) — I want to take the opportunity to provide an update to the house on the status of the investigation into the Murray-Darling Basin allegations that were made on *Four Corners*. As people may recall, recently *Four Corners* made some allegations that irrigators in New South Wales were in effect stealing water that belonged to both the environment and other irrigators down the river.

It is clear that Victoria has already done much of the heavy lifting when it comes to the delivery of the water that we are required to deliver under the plan, delivering largely high-reliability water, and this has had an impact in our communities. For many of our irrigators right across the river, the allegations that were made on *Four Corners* have caused significant distress and concern, particularly in the context of the additional 450 gigalitres of water that is required to be provided.

Victoria has been very clear on calling for an independent investigation. The one that is being undertaken by the Murray-Darling Basin Authority (MDBA) is not independent. We need to look at the actions of the MDBA and the Commonwealth Environmental Water Holder to ensure that the proper oversights and transparencies are in place to understand what they knew and what they did to take action to prevent this and to ensure this does not happen again.

I have called on the Deputy Prime Minister — who is slightly distracted at the moment, I do realise, with whether he is actually a member of Parliament or not — to both have an independent inquiry but also call an early ministerial council. All the other states, including New South Wales, have agreed to it. Of most concern for communities is the fact that the person who signed up to this plan has been absolutely silent on this matter, has not backed this in and has not called for an independent inquiry at a national level. This is critical for the communities in the north. It is critical to the confidence about the Murray-Darling Basin plan. It is about time the former water minister said something about it.

Electorate office budgets

Mr GUY (Leader of the Opposition) — My question is again to the Premier. Given your government spent hundreds of thousands of taxpayers dollars trying to stop any investigation into Labor's red shirts electoral campaign rorting, will you guarantee not to spend any further taxpayers dollars trying to stop any investigations into Labor's electoral printing allowance rorting?

Mr ANDREWS (Premier) — As I indicated previously, any inquiry should be fully cooperated with and any investigation should be full and frank, without fear or favour. That is our position, that is our policy and that is our practice. But fancy being lectured about interfering in these matters by someone who has so buried the Ventnor settlement and so wrapped up the Ventnor settlement in confidentiality agreements —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition!

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

The SPEAKER — I uphold the point of order. I ask the Premier to come back to answering the question.

Mr ANDREWS — In total contrast to the policy and practice of the government, there are some who have gone to extraordinary lengths — engaging private law firms, for instance, and signing confidentiality agreements — doing everything they possibly can to make sure that no-one in Victoria knows how much was paid out as part of a settlement by Victorian taxpayers because of the shoddy deal done around a kitchen table on Phillip Island. There are some who operate in that manner.

Honourable members interjecting.

Mr ANDREWS — You can call me desperate all you want, but the one who is desperate to keep it secret is sitting right there.

Supplementary question

Mr GUY (Leader of the Opposition) — Premier, given you have refused to take action on this rorting yourself, you will not refer it to Victoria Police, you will not dump your rorting Deputy President and you will not rule out spending taxpayers money to try and prevent any independent investigation, what is it you actually intend to do to end the stench of rorting and corruption that surrounds you and your government?

Mr ANDREWS (Premier) — All investigations should be allowed to run their course appropriately. That is the fair and proper thing to do. In terms of what we would like to see happen and what we intend to do, we intend to keep governing to create jobs and opportunities across our state. We intend to keep getting the infrastructure that we need built. To put this beyond all doubt, we intend to keep reminding every Victorian that the Leader of the Opposition, because of the company he keeps and his appalling judgement, is not fit to sit in that chair, let alone this one.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte!

Mr Clark — On a point of order, Speaker, if the Premier intends to continue answering this question, I ask you to instruct him to cease debating the topic and come back to answering the question.

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook! Manager of opposition business, I did not hear the point of order.

Mr Clark — This was a question about what the Premier intended to do to end the stench of corruption that surrounded his government. If the Premier intends to continue answering the question, I ask you to bring him back to answering it.

The SPEAKER — The Premier indicated he had concluded his answer.

Ministers statements: tourism

Mr EREN (Minister for Tourism and Major Events) — I rise to update the house on Victoria's

booming visitor economy. When we took office, the industry was worth just over $21 billion —

Mr R. Smith interjected.

The SPEAKER — Order! I ask the member for Warrandyte to leave the chamber for the period of 1 hour.

Honourable member for Warrandyte withdrew from chamber.

Mr EREN — and thanks to the Andrews Labor government it is now worth just over $24 billion. We have a strategy to grow this sector by 2025 to 320 000 jobs, and we are on track as a government to make sure that all of those strategies fall into place. That is an additional 110 000 jobs for our state.

I thank Brad Ostermeyer, the CEO of the Victorian Tourism Industry Council, for hosting us at an industry breakfast just yesterday. There were a number of members that attended that breakfast. Certainly the over 200 people that attended that breakfast were very happy about this government's progress in growing that very important sector. One of those reasons is of course our investments in major events. This week we saw the Socceroos win the Thailand game in front of a capacity crowd at AAMI Park. That is just the start of it.

I was also pleased to hear from Clive Scott, the general manager of Sofitel, where this event was held. For the first time in the history of the Sofitel, they were 95 per cent occupied in the month of August. That is what it is all about — 95 per cent occupancy for the first time ever. We have an extensive plan to make sure that this industry grows into the future.

I just want to make mention of the Melbourne Convention and Exhibition Centre. We are investing in the largest convention centre in the nation. After the recent development, there will be 70 000 square metres able to host the biggest events. We have announced the Lions Club International conference in 2024, with 13 000 delegates spending $84 million, creating lots of jobs. This is the state for jobs.

Energy security

Mr SOUTHWICK (Caulfield) — My question is to the Minister for Energy, Environment and Climate Change. Minister, you have told Victorians that energy security is safe and there is no problem with supply over summer. If this is the case, why is the Parliament this weekend installing a stand-by diesel generator for the first time since the war?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I thank the member for Caulfield for his question.

An honourable member interjected.

Ms D'AMBROSIO — Could be, but it is all pretence. The fact is this: the reality is that the member for Caulfield had a really rough day yesterday. He had a terrible day yesterday. He had to call for a quorum on his own matter of public importance yesterday because there was nobody there backing him up on his work and on his job.

Ms Ryall — On a point of order, Speaker, the member is clearly debating the question. I would ask you to actually bring her back to answering it. We are talking about since the war. She needs to answer the question.

Ms D'AMBROSIO — The issue about what the Parliament does for its own energy security issues is a matter for the Parliament to sort out. The reality is this: the member for Caulfield can complain all he likes and can do all the scaremongering that he likes, but the reality is that we listen to the experts. That is what our government does. The Australian Energy Market Operator —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Forest Hill.

Ms D'AMBROSIO — The Australian Energy Market Operator had this to say yesterday. This is what they said. The CEO of the market operator said this on ABC *Drive* late yesterday. The question was:

> Are we in trouble this summer?

The reply from the expert — the CEO of the market operator — was:

> No —

Honourable members interjecting.

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

Honourable member for Rowville withdrew from chamber.

Ms D'AMBROSIO — This is the reply that came:

> No, we are not in trouble this summer. We've done an awful lot —

of work —

> to get ready for this summer, and we're still working on getting ready for this summer.

This is —

Honourable members interjecting.

Ms D'AMBROSIO — Do they want to listen to the answer, Speaker? The market operator made it absolutely clear:

> No, we are not in trouble this summer. We've done an awful lot —

of work —

> to get ready for this summer, and we're still working on getting ready for this summer.

The reality is that those opposite are running around trying to be relevant and running around trying to understand — trying to actually understand or make people believe they understand — what there was to do with energy. They have got no understanding of the energy system.

The fact is this: the backup generation systems for parliaments are always a security issue for the security of a parliament. The Parliament needs to keep running in the case of any emergency — whether it is a terrorist attack — as our hospitals have backup generators and as a lot of important institutions right across the state and right across the country have backup generation systems. This is a simple exercise in doing the right thing so that there is backup generation and there is redundancy built into a system. Those opposite are purely scaremongering. They have got no idea, and the member for Caulfield has got no support amongst his backbench, because they —

Honourable members interjecting.

The SPEAKER — Order!

Supplementary question

Mr SOUTHWICK (Caulfield) — Minister, since you have acknowledged that this is a security issue and the Parliament is installing this diesel generator, does the government also intend to provide stand-by diesel generators for schools, for kindergartens, for nursing homes, for police stations and for other vital community facilities, or will they be left to fend for themselves if the power goes out?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — This is a desperate member for Caulfield who is on the skids in his own party. No-one was here to protect him yesterday, absolutely. The reality is this: our hospitals have backup generators because they run and they provide essential services.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for South-West Coast to stop interjecting.

Mr Southwick — On a point of order, Speaker, I ask you to bring the minister back to answering the question. This is very serious. We did not ask about hospitals. We know hospitals have generators; we know that. We want to know about kindergartens, nursing homes, police stations — what are they going to do? Community facilities — what are they going to do about backup if the lights go out under your watch, Minister?

The SPEAKER — Order! The minister to continue her answer.

Ms D'AMBROSIO — The reality is this: a number of facilities right across our state — public housing facilities, hospitals — all have their own backup generation. This is a desperate attempt from a desperate member for Caulfield, who is on the skids in his own party. He ought to be watching. He is an absolute embarrassment. The fact is, we listen to the experts, and we are getting on with —

Mr Southwick — On a point of order, Speaker, the minister is clearly misleading the house. Schools do not have backup generators. What are you going to do for police stations, for schools, for nursing homes and for community facilities to make sure their lights do not go out over summer, Minister? What are you going to do?

The SPEAKER — Order! The minister to continue her answer.

Ms D'AMBROSIO — That is a pathetic effort from a pathetic and embarrassing member for Caulfield. The market operator has made it absolutely clear that we have got no problems in terms of energy security for this summer, and that is what we back. We listen to the experts — we listen to the market operator — not those fools opposite, who have got no idea about how an energy system operates.

Ministers statements: roads

Mr DONNELLAN (Minister for Roads and Road Safety) — It is a pleasure to be able to update the house on the numerous projects that the Andrews Labor government is undertaking in relation to roads, and gee

there are a mighty lot. I can tell you, we have had Duncan Elliott out recently from the North East Link Authority. I can tell you that across that whole region there is so much love for the north-east link — more love there in the community than there is the Leader of the Opposition's love of lobsters. It is a great project. We have hardly had a grizzle.

The Mordialloc bypass — a $300 million marvellous exercise — is very much again welcomed by the community, a bit like the western —

An honourable member — Especially the member for Mordialloc.

Mr DONNELLAN — Well, I know he likes it, but I know so does the Treasurer over there. I was talking to some people in the western suburbs last night, and they are just so happy about those western duplications.

But in many ways it is the smaller projects I love, like the Warrandyte Bridge. It is a pity the member for Warrandyte is not here again, because he never seems to play four quarters. I can tell you I have been doing a little bit of Facebooking, and who loves being pictured beside our projects?

An honourable member — Who?

Mr DONNELLAN — The Liberal Party. The member for Kew needs to update his video on the Chandler Highway, because he is only sitting there just saying, 'Oh, something needs to be done'. Well, as he might have noticed, we are doing the work.

Honourable members interjecting.

The SPEAKER — Members will come to order.

Mr T. Smith — On a point of order, Speaker, the only comments I have made in recent times about the Chandler Highway are about who it should be named after — you grub, you despicable, foul-mouthed grub — it should be named after the former member for Northcote. Stop making politics out of this, you grub.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Roads and Road Safety!

Mr DONNELLAN — There was a little bit of ranting and raving, but it would have been nice just to say it takes a Labor government to do projects the Liberal Party has promised for many, many, many years. That just highlights the fact that we are not here for our good looks; we are here to get the job done. We are not there for the long lunches of lobster or the Grange. We are there to actually do the work and deliver what the community wants.

CONSTITUENCY QUESTIONS

Hastings electorate

Mr BURGESS (Hastings) — (13 031) My constituency question today is for the Minister for Energy, Environment and Climate Change. I ask the minister to instruct her department to take immediate action to repair and then regularly maintain the roads, roadsides and bridge on French Island. I have recently been contacted by a French Island constituent, regarding the very bad state of the island's roads, roadsides and bridge. My constituent has provided a series of photos showing roads with a large number of deep and wide potholes, roadsides with little or no drainage capacity and a bridge in complete disrepair.

My constituent has stated the majority of French Island roads are in poor condition. Tankerton Road is now so damaged it represents a hazard to motorists, coastal scrub has encroached so far onto Coast Road that it has been reduced to a one-way only road and Coast Road bridge is badly in need of repair. I therefore ask the minister to instruct her department to take immediate action to repair and then to regularly maintain French Island's roads, roadsides and bridge.

Yuroke electorate

Ms SPENCE (Yuroke) — (13 032) My question is for the Minister for Families and Children, who is also Minister for Youth Affairs. What assistance may be available to assist Hume City Council to provide the preschool infrastructure that will be required in 2018 to ensure that adequate kindergarten places are available for children in Yuroke? The Yuroke electorate is experiencing rapid growth, with the Craigieburn community being the third fastest growing suburb in the country. With that growth comes a need for appropriate infrastructure, including preschools for the many new young families that we welcome each week. This places a burden on the local council that is responsible for the provision of this infrastructure, and I am seeking information as to what options there are for the state government to assist with funding so that local families can access the preschool places they require.

Ovens Valley electorate

Mr McCURDY (Ovens Valley) — (13 033) My constituency question is for the Minister for Health. Today's *Herald Sun* has an article about Ben Ihlow, who died from the flu, as the epidemic continues

throughout Victoria. This follows on from news of eight people who sadly died from the flu in recent weeks at Wangaratta's St John's Village. I seek clarification from the minister as to what steps are being taken to ensure that other families throughout Victoria do not suffer similar outcomes. Obviously our communities need better education around the times of the flu injection, costs of the flu injection and preventing the spread of flu, and we need to seek clarification about what other important ways there are to prevent the spread of this deadly flu.

Niddrie electorate

Mr CARROLL (Niddrie) — (13 034) My constituency question is to the Minister for Education. I ask: can the minister provide a general time line on when students at the wonderful Aberfeldie Primary School — the school attended by former Premier Joan Kirner — will get the much-needed upgrade they so richly deserve? I have visited the school with the minister on previous occasions. In June this year I visited Aberfeldie Primary School to meet with the assistant principal, Heather Golder, and had a good look at the plans for the huge $1 million upgrade being delivered by the Andrews Labor government. I am very excited to see that students will one day be able to enjoy the modern workspaces they so richly deserve at Aberfeldie primary, and I ask if the minister can provide, through the Victorian School Building Authority, a time line on when works will begin that I can pass on to the school community.

Evelyn electorate

Mrs FYFFE (Evelyn) — (13 035) My question is for the Minister for Education. Parents of Manchester Primary School have concerns regarding the school's asbestos removal funding. I have asked about it in this place, and I wrote to the minister on 28 June to confirm the promised funding. I thank him for his response, but his reply does not make clear if part 6 of the asbestos removal audit will be paid. Can the minister confirm that the full amount of funding will be given to Manchester Primary School to make the school asbestos-free?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) — (13 036) My question is to the Minister for Public Transport and concerns Berwick railway station. I ask: when will the 40 extra parking spaces be opened at Berwick railway station? This is a station that has had its parking capacity expanded again and again by previous Labor governments. This time we are not only going to get some extra spaces but we are also going to provide an upgrade to the CCTV, brighter lights and better drainage. It is a really, really busy station that many local residents rely upon every day to go to and from work and school. One local resident was telling me that there are few if any parking spaces left by 7.30 each morning. This upgrade will go a little way to making it quicker and easier for local residents to drive to the station, find a parking space and catch the train.

Nepean electorate

Mr DIXON (Nepean) — (13 037) My question is to the Minister for Energy, Environment and Climate Change. Minister, what are the environmental uncertainties and potential impacts of a breakwater or offshore dredging that you have said led you to decide to build a rock wall on Portsea beach? The rock wall on Portsea beach reflects environmental vandalism at its worst, let alone the negative effects on the local economy and damage to the national park. The minister said there were environmental impacts during a small dredge off Portsea beach, yet Labor had no hesitation in spending hundreds of millions of dollars to do a 25-million-cubic-metre dredge off Portsea beach in 2007, which probably caused the damage to Portsea beach in the first place. This is totally inconsistent policy and illogical reasoning.

Macedon electorate

Ms THOMAS (Macedon) — (13 038) My question is to the Minister for Roads and Road Safety. Recently, VicRoads asked constituents in my region to share their priorities, ideas, concerns, local knowledge and experiences on our local roads. Can he advise me of the anticipated outcomes of the country roads community engagement, and when the identified priorities for our local roads in Loddon, Campaspe and the Central Highlands will be made public?

Bass electorate

Mr PAYNTER (Bass) — (13 039) My question is for the Minister for Public Transport. Minister, last week we saw the disturbing images of the sky rail cranes and pylons through Murrumbeena, devaluing homes, invading the sanctity of people's backyards and creating noise pollution and havens for graffiti and misbehaviour. This minister and this government have deceived Victorians about the level crossing removal project and have not engaged in proper consultation with those most impacted. Will the minister rule out sky rail as an option to remove the three railway crossings in the heart of the Pakenham township?

Yan Yean electorate

Ms GREEN (Yan Yean) — (13 040) My question is to the Minister for Sport, and I ask: what advice can he give to Nillumbik Shire Council to improve the quality and prioritisation of its grant applications, including scoping, justification and demonstration of need? I was disappointed that two recent applications, including one for female-friendly facilities at Marngrook Oval and one for cricket nets at Plenty Valley Cricket Club in Yarrambat, were both unsuccessful despite the obvious need. It seems like it has not been adequately scoped. I was also disappointed that Yarrambat Basketball Club, despite being the largest basketball club in the Diamond Valley Basketball Association, does not appear in the applications at all.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REAL-TIME PRESCRIPTION MONITORING) BILL 2017

Second reading

Debate resumed.

Ms WILLIAMS (Dandenong) — Before we left for question time I was just paying tribute to the Millington family, who were in the gallery and may be in this Parliament elsewhere at the moment. I was reflecting on the loss of their son, Simon, to a prescription drug overdose. Sadly Simon is not alone. Last year prescription medicine overdoses resulted in the loss of 372 Victorian lives. To put that into perspective, that is higher than the number of lives lost as a result of illicit drug overdoses and it is certainly higher than the road toll.

We know that behind these deaths are often stories of tragedy — an accident or illness that causes chronic pain. This is often then followed by prescription shopping, otherwise known as doctor and pharmacy shopping. This is where a person seeks to obtain prescription medicines from a number of different prescribers and pharmacies without advising each of them about the supply they have received from others. This can be done to fuel somebody's personal use, but it can also be done by those who then hope to sell prescribed medicine on the illicit drug market.

The drugs for which people tend to shop around run a particularly high risk of overdose and death — medicines like opioid analgesics or tranquillisers, for example. Because people often start using these drugs to address legitimate health concerns, they may not often fit the profile of addiction that many in our community typically imagine. When we contemplate these situations, when we contemplate the loss of life that results from these practices, many wonder how the warning signs are not being detected — how the misuse of the drugs, how the signs of addiction, have been missed — because the reality is in most cases, if misuse or addiction are detected early, lives can be saved.

This is what the bill before us today is all about — the implementation of a real-time prescription monitoring system that will allow pharmacists and prescribers to review the dispensing records for high-risk medicines, medicines we know pose a particular risk of addiction and misuse. For those who may not be clear on what this system is, it is essentially computer software that allows records of the supply of certain high-risk drugs to be transmitted in real time to a centralised database, which can then be accessed by doctors and pharmacists during a consultation. It will enable prescribers and pharmacists to make safer clinical decisions at either the point of consultation or dispensing.

Many stakeholders have been calling for real-time prescription monitoring for quite some time. These include the Australian Medical Association, the Pharmacy Guild of Australia, the Royal Australian College of General Practitioners and the Pharmaceutical Society of Australia. In light of this it is perhaps unsurprising that the introduction of this legislation has so far been welcomed by medical and pharmacy organisations and of course by consumers. I should also add that since 2012 there have been over 30 separate findings in which the coroner has made or supported a recommendation for a real-time prescription monitoring system.

To get to the details of the bill, this bill will make amendments to the Drugs, Poisons and Controlled Substances Act 1981. The changes within the legislation before us will enable the Secretary of the Department of Health and Human Services to establish a database that contains records of the supply of certain high-risk medicines, require records to be provided for use within the database and enable prescribers and pharmacists to access the records for a patient in their medical care. The changes will also require prescribers and pharmacists to check the database before writing or dispensing a prescription. This is consistent with international trends, particularly those in the US. They will also reduce the regulatory burden on prescribers by removing some regulatory requirements.

As it currently stands, the majority of doctors must seek permits to prescribe schedule 8 medicines for longer than 8 weeks. These are medicines that are high-risk,

medicines that are potentially addictive, medicines including strong pain killers. The ones we tend to think of are morphine and oxycodone. These are the kinds of drugs that require additional controls. Doctors must also notify the department in certain high-risk circumstances. As you might imagine, this leads to a very high volume of permits and notifications — about 50 000 a year. As a consequence of this bill before us, these requirements will be streamlined so that about a third of that figure, over 16 000, will no longer be required because the information will be available through the real-time prescription monitoring system.

To be more specific about these streamlining measures, the amending bill will broaden the secretary's existing legislative powers to specify circumstances where a schedule 8 permit is not required. It is intended that the new exceptions from the requirement to obtain a permit for low-risk circumstances will be introduced through this provision. It will also remove a number of circumstances involving the treatment with schedule 8 poisons or drugs of dependence where medical practitioners and nurse practitioners are currently required to make a notification to the secretary, and it will increase the scope of the general schedule 8 permit exceptions currently in place for hospital inpatient treatment to also include treatment in emergency departments, day surgery units and for up to seven days after hospital discharge.

We recognise that this marks a significant change in the way things are done, and we know it may take some time to progressively implement such significant changes. When it is fully deployed, the system will connect over 1900 medical clinics, 1300 pharmacies and 200 hospitals right across Victoria. Medical staff will need to complete training, and this will alter their workflow. This again will take some time, and we acknowledge that, so to accommodate this the mandatory use requirement and associated penalties for non-use will be suspended by regulation for the system's first 18 months.

The concept of real-time prescription monitoring is one that is of great interest across Australia. I believe Tasmania is currently the only jurisdiction in Australia to have implemented a real-time prescription monitoring system. Western Australia is on the path to implementation but is using commonwealth software, which I will touch on shortly. New South Wales has sought to adopt new software for the issuing of licences and permits but at this stage has no plans to provide real-time access to dispensing events for clinicians at the point of care. The ACT has adopted the Tasmanian system for its internal database, and I believe it is considering providing clinicians access, but this has not yet eventuated. Queensland is doing something slightly different again, but I understand that a business case for real-time prescription monitoring is being developed as we speak.

This brings me to developments at the commonwealth level, and while the commonwealth has taken some initial steps forward on this issue, we have a difference of opinion in relation to the technology being proposed. The commonwealth's proposed software is based on a solution that was developed in 2012. We examined this, and after extensive investigation we determined it was not fit for purpose and would require significant development before it could be made fit for purpose in our context.

Instead Victoria is developing an alternative software platform so that the system can be implemented in 2018. Our solution is based on more contemporary technology that will better support future needs, such as increases in the volume of data which we know will eventuate. The commonwealth and other jurisdictions are aware of and fully understand our decision on this, and no doubt they are watching our implementation with very keen interest to see if it might suit a national rollout in the future. At the very least we have worked to ensure our system will be interoperable with whatever systems other jurisdictions eventually implement. It is clearly very important that we continue to work with the commonwealth and our state colleagues towards a national arrangement to share data across jurisdictional borders, as this is clearly vital to reducing the rise of cross-border prescription shopping.

Finally, in the short amount of time I have left I want to outline our government's investment in making this important reform work. We have invested $29.5 million over four years as well as $2.8 million in ongoing annual funding to implement this system. This includes a significant workforce training package, a comprehensive public education campaign and support for drug and alcohol treatment services, and we know that these measures, beyond the technology itself, will be crucial to the success of the new system.

In relation to the workforce training packages, training programs will ensure that clinicians can use the system effectively as well as enabling clinicians to be more confident and skilled in safely managing patients with addiction problems. There will also be the development of a network of general practitioners specialising in addiction medicine, and this will be co-designed with primary care providers. Further, there will be additional counselling, treatment and referral services for patients

with prescription medicine addiction. This is a wonderful bill, and I commend it to the house.

Mr MORRIS (Mornington) — The abuse of prescription drugs is of course not a new problem. Indeed it was one of the very first issues that I had to confront as a new member of Parliament, and I am sure it had been going on for decades, if not centuries, before that. Too many people think that if a drug is prescribed, it is safe, and of course it is, if taken in an appropriate manner and in the way it is intended. If it is taken inappropriately, it is dangerous.

The Drugs and Crime Prevention Committee conducted an inquiry into this subject back in 2007, and I want to quote in particular the evidence of one witness:

> I went and had a haircut last Friday and there were not too many people in my hairdresser's, so I mentioned that I was coming here today. They said, 'Drugs and crime. What's all that about?'. So I just let it slip and we had a discussion. They said, 'Yes, but that's not you'. I said, 'Yes. I'm a recovering drug addict'. 'Really?'. I said, 'Yes'. 'Yes, but not you'. I said, 'Yes'. They said, 'But what did you take?'. I said, 'Narcotics: codeine, pethidine, benzodiazepine, valium'. 'Yes, but that's not really drugs'. I said, 'Yes, it is'. They said, 'But that's not really — you wouldn't call that a drug addict'. I said, 'Well, what do you mean by a drug addict'. Again, it came straight back to somebody with a needle hanging out of their arm, somebody who is addicted to cocaine, marijuana, somebody who is a street person, somebody who is dirty and unclean; that is a drug addict. Drug addicts do not look like me or you.

The minister in her second-reading speech referred to the death of Simon Millington, who crashed his car on a country road in 1994 and sadly lost his life to addiction in 2010. The Member for Lowan last night of course read into the record a letter from his parents and family and, in doing that, confirmed to me that a young man referred to anonymously in the 2007 report was indeed Simon.

I remember very, very clearly the testimony of the Millingtons, and it did contribute significantly to the inquiry findings. Standing orders prevent me from addressing the gallery directly here, but if I could address the gallery directly, I would thank them for their testimony then and their commitment over so many years. I am sure the bill is no consolation for the loss of Simon, but it does them great credit and I really want to recognise the enormous commitment and sacrifice that they have made. Unfortunately this bill has come too late for Simon, but his story I think does demonstrate very clearly what a scourge prescription drugs can be. The consequences of abusing licit drugs are just as damaging to the individual and damaging to the community as the consequences of abusing illicit drugs.

Why do people become drug dependent? Whatever the drug is — whether it is alcohol, cannabis, heroin, street drugs or, as we are talking about today, prescription drugs — the reasons are often rather similar. Frequently of course the motivation is self-medication. People try to manage their pain on their own. Perhaps it is the physical pain of an imperfectly treated condition, emotional pain or the legacy of past trauma. Sadly and too frequently self-medication is used to endure personal circumstances that would otherwise be intolerable.

Sometimes prescription drugs are used to assist withdrawal from other drugs or to deal with the consequences of the use of other drugs. Sometimes they are used to enhance performance in social or work situations. Sometimes the decision to choose prescription drugs is simply because the drug of choice is not easily available. Certainly when we were doing this inquiry a decade ago a shortage of street heroin meant that there was an increase in the diversion of benzodiazepines and prescribed opioids. Prescription drugs are also occasionally used by sexual predators and often as street currency.

You might argue that in the case of the individual the use of prescription drugs is not particularly harmful, and there undoubtedly remains a veneer of respectability attached to this particular form of substance abuse. But the house should be in absolutely no doubt there are consequences for the individual and there are consequences for society. None of them are good. The first consequence is dependence and all the problems that go with that — ongoing addiction, the incapacity to function without the drug, the inability to manage your life without a chemical boost. Benzodiazepines have a particularly physical impact, initially loss of concentration and memory problems. That in turn can lead to chaotic behaviour, total loss of memory, damage to the central nervous system, depression and even significantly impaired driving, and there are incredible stats around that. There is also of course an increased incidence of overdose.

But the risks are not only physical; there are criminal risks as well. In 2007 the National Drug Law Enforcement Research Fund undertook a study. They talked about an entrenched culture in Melbourne particularly and had findings that suggested drugs were diverted to the black market and could be sold for considerable profit. They noted that prescription drugs are relatively easy to obtain on the street and that there seemed to be a diffuse network of users, friends, dealers and suppliers. Of course the consequent criminal behaviour from dependence on and use of prescription

drugs includes shoplifting, property crime, drug dealing, violence and, as I mentioned, intoxicated driving. They concluded by saying:

> In addition, disinhibited, aggressive and bizarre behaviour, and feelings of invincibility, were attributed to the drugs, in particular benzodiazepines.

So these are nasty substances, and they have enormous consequences for any individual who is caught in the tentacles of addiction, and they have consequences for our society as a whole.

Unfortunately the 10-minute time limit on the second-reading debate does not allow me to reflect on the circumstances of other jurisdictions, but as the house is aware, there is no experience of a similar proposal in this country. There is, however, considerable experience elsewhere, particularly in Canada and the United States. Indeed the minister's tabled speech referred to 'international best practice, as demonstrated particularly in the United States'.

More than 10 years ago, with Andrew McIntosh and Hugh Delahunty, and Sandy Cook, the executive officer, I saw firsthand in the United States prescription monitoring at work. We had the opportunity to discuss the practicalities of the system, both from a national perspective in Washington, DC, and in Kentucky and in California — three very different processes. Yes, they have strong controls in place, and yes, absolutely the schemes they have in place have significantly improved circumstances since they were introduced, but I do also want to sound a note of caution, because the approach to drug abuse, both licit and illicit, in the United States is of course very different to the approach we take in Victoria.

It is not unusual in Victoria to hear commentary in the media about a punitive approach being taken to drug use, and the 'war on drugs' is often cited, but frankly, that is nonsense. In Victoria we see drug addiction for what it truly is, and that is a health problem. In the United States they do not see it as a health problem; they see drug addiction as a crime, and it is punished accordingly. It is a very, very different approach, so I think we need to be very cautious about following any drug policy direction from the United States too closely.

The bill before us essentially establishes a database to facilitate real-time prescription monitoring. New division 9, inserted into part II of the principal act, will establish the database. Prescribers and pharmacies will be required to review a patient's dispensing history before writing or filling a prescription. The bill also includes a range of matters, including penalties for the misuse of the database and other issues.

I believe the changes proposed by this bill will have a positive impact. Mechanisms similar to the one proposed have proved effective, and indeed they proved effective a very long time ago. In December 2007 the committee report that I have referred to throughout my contribution today was presented to the Parliament. It contained 30 recommendations. Recommendation 16 reads:

> Develop in consultation with the Pharmacy Board of Victoria, Royal Australian College of General Practitioners, Health Commissioner of Victoria and other relevant health and medical stakeholders an electronic 'real time' prescription recording service that would be available to medical practitioners and pharmacists in Victoria.

It is not clear to me from the second-reading speech whether the pharmacy board, the college of general practitioners or the other agencies that have been mentioned have been consulted, but whether they have been or not, let me say that I am delighted, almost a decade on, that at least one of our 30 recommendations has finally made it into the Parliament and looks like it will be implemented. I commend the bill to the house.

Mr FOLEY (Minister for Mental Health) — I rise to join this important debate on the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017, and I do so as a late addition in part to set the record straight on some very different comments to those just made by the honourable member for Mornington. I just reflect on the honourable member for Mornington's contribution — based on evidence, based on a long history of clear personal commitment that was not 'one side or the other' on this issue and based on contributions he has made over a long period of time. I commend the honourable member for Mornington for his considered contribution and indeed the honourable members opposite for their contributions in supporting this important bill.

Like many others I too would note the long, sustained efforts of many in making sure that this bill comes to fruition in a real, genuine way with national leadership. Like the member for Mornington I would also note the sustained efforts of the Millington family for their very important, enduring and, I am sure, very tough to deliver contribution to this important outcome. I should add to the honourable member for Mornington's contribution that I personally have spoken with the Pharmacy Guild of Australia as the minister responsible. Whilst this bill is rightly led by the honourable Minister for Health, as the Minister for Mental Health alcohol and drug policy in terms of the organisation of government falls in my portfolios, so I work closely with the Minister for Health and indeed

with the pharmacy guild in terms of how they have gone about this on behalf of their members and then, through them, the pharmacy board in dealing with some of these important issues that the honourable member for Mornington has touched on.

But I did want to set the record straight in terms of the contribution the opposition spokesperson on this matter led off with. I note that the opposition are supporting the bill, and I welcome that. But I did hear the honourable shadow minister allege that this government had defunded three residential rehabilitation facilities upon coming to office. This is simply not true; it is an incorrect assertion on her part. The opposite is in fact true. This government has now funded a 68 per cent increase in the total number of residential rehabilitation beds available throughout the state. We have increased our overall funding to all alcohol and drug services, including residential rehabilitation, by 33 per cent. The *Ice Action Plan* is a $180 million package that is being funded over three successive budgets. This government has had to restore the integrity of an alcohol and other drug system that frankly was fraying at the edges as a result of the recommissioning process that my predecessor in this portfolio instigated.

In relation to what I understand to be the honourable member's specific claims about three residential rehabilitation facilities in particular, let me state that it was not actually this government that endangered those particular services. Rather it was this government that saved those services from shutting down in the face of that botched recommissioning process. I have sought initial advice from my department, and they have advised me that at the end of 2014 three homelessness services, which also provide short-term residential rehabilitation services for particularly vulnerable people, had their funding cut through the cookie-cutter model that the recommissioning process put in place.

It is clear that this is an issue that we addressed when we came to office. We were not going to sit by and let those life-saving services be readily cut. It was an early decision of this government to ensure that funding for those services would continue despite — I do not say this was deliberate — the consequences of the recommissioning process, which had not been thought out by my predecessor.

I appreciate the shadow minister is relatively new to her portfolio, and indeed to this place, but unfortunately she is wrong in this matter. So I take the opportunity to encourage the shadow minister to correct this mistake, and I offer her a briefing on the impact of that botched recommissioning and in particular the now secure three services that I assume she was referring to.

Like all other honourable members, I commend this bill. I think it is a national leadership position. I agree with the honourable member for Mornington that the only issue of concern associated with this bill is that, like many other life-saving measures, it has taken so long to get here. I commend the bill to the house.

Mr HIBBINS (Prahran) — I rise to speak on behalf of the Greens to the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017. The Greens will be supporting this bill which, as described in the bill, enables a database to be established for purposes of recording data relating to the supply of monitored poisons. In this bill monitored poisons are referred to as schedule 8 poisons. That schedule covers opioids such as pethidine, morphine and oxycodone and, in addition to that, some other high-risk medications are also included. We certainly support this bill and the provision of that real-time monitoring database.

When we talk about issues associated with drug use, drug abuse and drug overdoses, we often talk about ice and heroin and other illegal substances but the reality is far different. We know that a significant percentage of overdoses actually come from prescription drugs. I think the Coroners Court, in the evidence they provided to the inquiry into drug law reform, really told the story. In their analysis the illegal drugs made up less than 20 per cent of overdose deaths, and pharmaceutical drugs actually were double that — on their own, I would add. But when pharmaceutical drugs were combined with other drugs they actually played a role in 80 per cent of overdose deaths.

This really does tell a different story. The advice in the coroner's submission was that, and I think this is something we should certainly always heed:

> To date in Australia there has been a widespread tendency when examining drug-related harm, to focus only on a particular drug or group of drugs that are perceived to be 'the issue' at a given point in time … the evidence supports a conclusion that drug misuse needs to be approached in a holistic manner, rather than one drug at a time.

I think that is good advice which we could all heed. That coroner's report also noted that the coroner has 21 times recommended a real-time prescription monitoring system. I will read into *Hansard* an example of one of those recommendations from a coroner:

> The Victorian Department of Health implement a real-time prescription monitoring program within 12 months, in order

> to reduce deaths and harm associated with prescription shopping. The program should include the following functionality: (a) a primary focus on public health rather than law enforcement; (b) recording of all prescription medications that are prescribed and dispensed throughout Victoria without exception; (c) provision of real-time prescribing information via the internet to all prescribers and dispensers throughout Victoria without exception; (d) a focus on supporting rather than usurping prescribers' and dispensers' clinical decisions; and (e) facilitating the ability of the Victorian Department of Health to monitor prescribing and dispensing to identify behaviours of concern.

Certainly this has been recommended by the coroner and by many others for a long period of time, so it is welcome that it is going to come into effect should this bill pass. There are far too many people in this state who are struggling with addiction, whether it is illicit drugs or large quantities of prescription drugs, just to get through their day, and there are far too many people dying from an overdose.

I think it has been mentioned by previous speakers that the primary law and order or crime-based response simply does not work, and we have had expert after expert calling for a more health-focused drugs policy. From time to time we do see that put in place and this is an example of that, but there are other times when it goes in the other direction. So it is great to see this bill putting something in place that will work. Real-time prescription monitoring is sensible, it is pragmatic and it will work.

It does not debate whether a person is good or bad or bring any moral questions into it. It will save lives, and it will allow doctors and pharmacists to make those sorts of informed choices about when they prescribe and dispense drugs. It will help to identify people who are struggling and hopefully offer them the support they need. Certainly we believe the support that will need to be provided to people is absolutely key, because the legislation will see some people suddenly having their access to medications that they have been using and potentially abusing cut off or significantly reduced. We know that they will not just go home and live happily ever after. They will need support, whether it is from counsellors, from rehabilitation services or from social workers. That really is important.

I also note a coroner's recommendation or finding of a significant link between mental health issues and substance abuse. The support will absolutely be key, and we know that there is a lot of hard work done by frontline alcohol and other drug workers. Ending addiction for people is a hard slog, it is a tough road, and those alcohol and other drug workers really do play a key role. There is still too long a wait for many people who are seeking treatment or rehabilitation for drug addiction, and we need to support those people.

Real-time prescription monitoring is obviously one part of the health-based approach to dealing with drug use. We also have the issues around illicit drugs in terms of the need for a safe injecting room in North Richmond, where you have far too many people in this one area of our state dying from overdoses. You have got the community, you have got local residents, you have got everyone in that community onside and calling for this safe injecting facility, and we certainly think that it is now time for the government to act.

Another thing that the Greens have been calling for is a pill testing and reporting regime, whether that is the police testing — and they do test the drugs they seize — and releasing that information out into the community where it will inform people about their choices; whether it is setting up an independent testing facility where people can take their drugs to be tested and information is made available on significantly dangerous drugs; or whether it is having pill testing at festivals.

We know there have been deaths in the Prahran community recently, and we think that a pill testing and reporting regime would have helped to prevent those deaths and will help to prevent deaths into the future. I will certainly be urging the government to take those steps. That said, we support the bill and the real-time prescription monitoring because this is about those individuals, those sons, those daughters, those mothers, those fathers who have shone really bright in the lives of their families and friends but have had their lives cut short. That leaves a big hole in the lives of their family and friends. This bill and other measures are about them, and I certainly commend this bill to the house.

Mr J. BULL (Sunbury) — I am pleased to have the opportunity to contribute to the debate on the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017. This is a bill that will save lives, and what could be more important than that?

Late last year I had the opportunity to meet a very special couple. Unfortunately this meeting took place at the funeral of my wife's grandfather, Bill Stanhope. Bill was a very special man. He was a man with a huge heart, great intellect and a fantastic outlook on life. He was a Labor man, and he cared more for others than for himself. Bill was a poultry farmer. He dedicated his life to the poultry industry, spent years working in the department of agriculture and crossbred chickens in the hope of creating a chicken that ate less but still produced

the same amount of eggs. Bill was admired by many, those he worked with and those who sought advice from him, but above all he was admired by his family.

Bill knew this very special couple from the poultry industry, and after reflections about their time with Bill they asked about my work as a local MP and member of the Andrews Labor government. We then got to speaking about their story. They told me they had met with the current Minister for Health, and in their words were 'incredibly happy to see her passion, dedication and understanding of the need to see real-time prescription monitoring implemented in Victoria'. They asked that I follow this up and do my research, and I promised to do exactly that.

What I did not know at that time was that I had met John and Margaret Millington, who are in the gallery today. John and Marg have been tireless advocates for real-time prescription monitoring ever since the death of their son, Simon. Can I express this afternoon my deepest condolences to both of them on the loss of Simon. I cannot imagine how tough that must be and how tough it must be for them to be here today.

In 1994 Simon was an 18-year-old auto-electrician when he crashed his car on a country road and suffered a devastating injury. After weeks in hospital and numerous operations he became addicted to his pain medication and other drugs. Marg has described the next 16 years of Simon's life as a roller-coaster, involving numerous attempts at drug rehabilitation and chaos for the family as they tried to rescue him.

But the family was determined to save him. Simon became a father and desperately wanted to stay well for his daughter, Maddie. But sadly addiction crept back into their lives and he started prescription shopping again. The family lost their battle to save Simon in 2010: he died of an accidental overdose.

What was clear to me in our conversation was the strength, the resolve and the determination of both John and Margaret, not just for their son but for all of the people that are affected by these tragedies. Marg said, 'His life mattered, and that is why I do what I do for others in similar circumstances'. I think earlier today John mentioned that he had been pushing for this since 2007.

This bill will save lives. Sadly it cannot bring Simon back, and it cannot bring back the hundreds of Victorians we lose each year. In 2016 prescription medicine overdoses resulted in the loss of 372 Victorian lives. That is more lives than those lost through illicit drugs, at 257, and even higher than the road toll, at 291 — all deaths of course being devastating. Prescription drugs are issued by medical professionals to save lives, not take them. Prescription drugs, however, can be powerful and all too often we see people doing it tough and those who fall into addiction.

This bill will do a number of things. It will enable the Secretary of the Department of Health and Human Services to establish a database that contains records of the supply of certain high-risk medicines; require records to be provided for use within the database; enable prescribers and pharmacists to access the records for a patient in their medical care; require prescribers and pharmacists to review a patient's dispensing history before writing or dispensing a prescription; and reduce the regulatory burden on prescribers by removing some of the regulatory requirements.

Having access to a real-time database, having that information at hand right across the state, will enable our healthcare and medical professionals to ascertain and assess those who are prescription shopping in, of course, the hope of preventing it. By implementing real-time prescription monitoring, this bill will enable prescribers and pharmacists to review dispensing records for high-risk medicines and help them make better informed, safer clinical decisions at critical moments. On more than 30 occasions, Victorian coroners have also recommended real-time prescription monitoring to prevent the unintentional prescription drug overdose deaths of people whose drug use was uncoordinated or who were obtaining dangerous prescription drugs from unwitting multiple prescribers and pharmacies.

When we consulted with the peak bodies there was incredibly strong support from bodies including the Australian Medical Association, the Pharmacy Guild of Australia, the Royal Australian College of General Practitioners and the Pharmaceutical Society of Australia — all are incredibly supportive and very much welcome the implementation of this system. The bill will see the system made available to over 1900 medical clinics, 1300 pharmacies and 200 hospitals right across the state. The legislation will be proclaimed in line with the introduction of real-time prescription monitoring in mid to late 2018. If not proclaimed earlier, the act will come into effect on 1 August 2018.

In assessing where we are in this state, it is important to reflect on where other jurisdictions across the nation are. I see that Tasmania is currently the only jurisdiction in Australia to have implemented real-time prescription monitoring and has provided access to the system for clinicians incrementally since 2011. In

Western Australia we see that the Western Australian government has announced $1 million in funding to implement real-time prescription monitoring in 2018 based on the commonwealth software. New South Wales has adopted a version of the commonwealth software to replace its internal database for issuing licences and permits for the use of scheduled medicines and poisons. The Australian Capital Territory has adopted the Tasmanian system for its internal database and is now considering providing clinicians access to that system.

If you were to take the stories that I have reflected on in my contribution, it can be seen that it is fundamentally important that a national approach is implemented. I will certainly support any such moves to do so. This is a bill, as I said at the opening of my contribution, that we know will save lives. I think in this chamber and in the other place there is nothing more important than for members of Parliament and governments as such to be able to bring in bills that we know protect those doing it tough, those who are the most vulnerable, those who need support. That is what good governments do.

I would like to take this opportunity to commend the Minister for Health and the Minister for Mental Health, their staff, their departments and the tireless work that is being done in bringing this bill to the house. In doing so I think of Simon Millington, I think of his lovely parents, Marg and John, and I think of Maddie. I think of the hundreds of lives that are lost each year and the thousands more that are touched by the loss of those lives. I have a very strong feeling that this legislation will save hundreds of lives, but if it saves just one life, that is something that we should all be incredibly proud of.

I look forward to seeing this legislation implemented in Victoria, and I very strongly support the work that has been done by the department, by the Minister for Health and by the Minister for Mental Health in never stopping their efforts to find systems that support communities and support those that are most in need of that support. As I said, I think this legislation will make a significant difference, and that is what being in this job is all about.

Ms BRITNELL (South-West Coast) — I rise to speak on this bill, which will establish a database that contains the records of the supply of high-risk medications that will allow prescribers and pharmacists to access records and require them to review the patient's dispensing history before writing or dispensing a prescription for certain addictive drugs. I note that the coalition will be supporting this bill.

Addiction to prescription drugs is somewhat misunderstood in the community. Whilst most people are quick to condemn the use of illicit drugs, the reality is that prescription drugs are causing more deaths by overdose. That receives very little coverage; it is almost a hidden crisis. The figures are staggering. In 2016, 372 people overdosed on prescription drugs compared to 257 people who were lost to illicit drug use overdoses.

I have noticed a significant change in the way pain has been managed over the last 30 years that I have worked in the health system. Doctors need a system like this — real-time prescribing — so that they can see what prescriptions have been written and dispensed and understand historically and holistically a patient's pain management treatment and address potential addiction issues. Without this system, that has been almost impossible for them to do. A doctor was not empowered to refuse a patient because the patient would simply go elsewhere for the drug. The current system does not support a doctor in being the caring physician that he or she trained to be and desires to be. It supports a business approach which encourages clients to doctor shop. I have worked with many, many doctors, and in my experience I can honestly say that doctors become doctors because they want to help people. They were not money driven, but this current system has failed them.

I am also pleased to note that there is a bipartisan view on this issue. It was, I note with pride, the former Napthine-Baillieu governments that took the lead in this area. In 2013 the Victorian government-led *National Pharmaceutical Drug Misuse Framework for Action* was released. It identified the lack of real-time information as making it difficult for prescribers and pharmacists to make properly informed decisions regarding patient medications. Ahead of the 2014 election the coalition government made a commitment to deliver a real-time prescription monitoring program for certain addictive drugs. It was not an election commitment made by the now Labor government, but following the election the Premier was non-committal about the issue, saying the Minister for Health was seeking advice and believed that the issue required a nationally coordinated approach before deciding to go at it alone in April last year.

If we are to get serious about this problem, the states cannot go at it alone. We need a national solution that prevents people from doctor shopping across jurisdictions. This is particularly important for my electorate, which has a shared boundary with South Australia. It is not difficult for people to make a quick trip to Mount Gambier to get the prescription they are

after. That is why I am pleased to see that the federal government has committed to rolling out a national prescription monitoring program. It is absolutely what is needed. As such it will be absolutely vital that the Victorian scheme is interoperable with the national scheme to ensure patients are not able to doctor shop across jurisdictions. This really must be a bipartisan, national system for it to work properly.

I note that in his comments on this issue the federal health minister Greg Hunt noted that while this is an important step to tackling this growing concern, it is not the only response that is required. With all addictions there needs to be a focus on education and training to continually improve our approach to treating addiction. We need to be supporting doctors to be able to intervene early and give them the resources to be able to stop the problem escalating. Preventing doctor shopping by implementing real-time prescription monitoring does just that. It empowers the doctor to offer support and help their client.

As they say, prevention is better than the cure — better for the patient, better for the taxpayer and better for the health system. But of course we cannot stop there. We need to ensure there are appropriate resources in our police force and legal system to be dealing with drug-related crime. There is a balance to be struck between support and accountability. Drugs often lead to criminal activity, and drug addiction is an illness. Health and law and order can work together to assist each other.

Addiction is a major issue in my electorate, one that was highlighted during the time I was seeking election into this place. It is an area I have specifically worked in for many years. When working in community health I worked with many clients who had families begging for assistance from people working in the field I was in. It included people like John and Margaret Millington, who are here today. I clearly remember one client's mother begging for more to be done to help her son. She talked about health professionals protecting the clients or patients' rights, but asked, 'What about my rights to save my son?'. Unfortunately he is also dead today.

Our area is exceptional in South West Healthcare. We are incredibly lucky to have a range of specialist services based locally, including detox facilities, outpatient services, wellness programs, counselling, early intervention services and pharmacotherapy and strong associations between mental health services and education providers. I believe we in South-West Coast are on the cusp of perfecting the best services this state has seen. It is probably unique that in one region you have so many committed and expert services with specialist clinicians like we have. We are incredibly lucky to have the likes of Geoff Soma, who heads up the Western Region Alcohol and Drug Centre (WRAD) and has more than 20 years experience in Warrnambool alone and many years prior to that. There is also Dr Rodger Brough, a leading expert in withdrawal. They are both passionate advocates for increasing training for GPs to be able to intervene effectively and early in the addiction cycle. I have known Rodger for many years, and we have had long and frank discussions, many times about real-time prescribing.

It is always good people that make something work well, and these people are complemented by others in the community. We recently had Karyn Cook appointed to South West Healthcare as the director of mental health. Karyn also brings more than 20 years experience of working in mental health, drug, alcohol and gambling treatments. Her experience in this area is vital because there is a strong association between addiction and mental health. And she is already forging strong links with Geoff and Rodger. I am sure this renewed focus on the integration will further strengthen the wraparound approach to additional services that we have in South-West Coast and build on the excellent work that has already been done locally.

Whilst we have a fantastic service in general, there are gaps. The withdrawal unit based in Warrnambool is a facility that has to close down on weekends and school holidays. From my experience in nursing and in Aboriginal community health, I can assure you that withdrawal cannot be treated between 9 and 5, and it does not take weekends and holidays. The other major gap is no residential rehabilitation, a gap that my community has identified as needing to be filled. It is now coming together to make sure this area is addressed.

In 2015–16 only two of 421 admissions to Odyssey House Victoria came from my area, and there were no admissions to Windana from the Great South Coast region. As we know, people are less likely to seek treatment away from home, so the WRAD Lookout project will not only put residential beds online but will also increase the uptake of rehabilitation services closer to home, saving the taxpayer thousands of dollars, because a stay in rehab is cheaper than a stay in prison or hospital.

My local community has said, 'This is our problem, and it's up to us to find a solution'. A power of work has been done, and the community fundraising campaign is well underway. A facility has been found, and WRAD is now looking for government support to

help make this centre a reality. I have spoken to the Minister for Housing, Disability and Ageing about this directly. A residential rehab centre would truly complement the other services on offer and complete the picture. It would be a stand-out service and could be implemented elsewhere. This holistic approach being taken would really address the drug addiction issue. As we know, people from South-West Coast do not take no for an answer. We got our brilliant cancer centre because of that dogged determination, and we will do the same this time with residential rehab.

While this bill will go a long way to providing support to doctors and pharmacists and will make it harder for people to doctor shop, we cannot sit by and do nothing. We need to ensure that there are no gaps in treatment services, that we have strong mental health supports and that there is access to services right across the state, not just in a few centralised locations. I urge the state government to support the WRAD Lookout project. I am pleased to support this bill. It is something I have talked about for a very long time, so I am pleased we are starting here.

Ms SULEYMAN (St Albans) — I rise to speak on the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017. The bill seeks to create a real-time prescription monitoring system in Victoria, which will at least help put an end to doctor shopping. The bill is necessary to save lives and stop the abuse and overuse of prescription drugs. This bill will establish a database containing updated information on patient prescriptions for all schedule 8 drugs, which includes high-risk medicines, and some schedule 4 drugs such as diazepam and various others. Pharmacists and doctors will be able to access records contained in the database, and prescribers will be required to check the database before they write prescriptions for these drugs.

This bill will obviously saves lives and it will also allow medical professionals to identify at-risk patients before it is too late. Last year, as we have heard, prescription medication overdoses resulted in the shocking loss of 372 Victorian lives. This is higher than the number of deaths involving illicit drugs, which I think is very surprising because I believe that most in our community would think that illegal drugs result in the most overdose deaths. Sadly the highest rate involves prescription medication. This figure showing all of these lives lost is higher than our road toll of 291 for last year. These drugs are not illegal, they are not purchased in back streets or dark alleyways and they are not on the black market. They are obtained through trained doctors and professionals at pharmacies in our local communities. They are providing this medication. As I just stated, most in our community would be surprised by the high number of deaths associated with prescription drugs. It is a serious health issue, and I think that needs to be acknowledged. The misuse of prescription drugs is a health issue.

Our government is very proud and is committed to doing what it can to prevent further tragedies happening not only through action in this area but also by making sure the appropriate treatment programs and services are provided to our community. The real-time prescription tool will link data from around Victoria to allow doctors and pharmacists to quickly identify patients who have been struggling or perhaps misusing these drugs and prescription shopping between various pharmacies to access addictive drugs. Work is underway to build this system and to develop, most importantly, the appropriate training for GPs and pharmacists. It is expected to be in place by next year.

While the monitoring system is extremely important, it goes hand in hand with various things our government is doing in this area. It is important that we also acknowledge that certain patients require ongoing counselling with respectful and skilled professionals to help manage their medication use over the patient's journey. That also needs to be acknowledged. It is not just about identifying patients who perhaps are misusing prescription drugs. It is also about taking the next step of actually providing the appropriate level of service and support for them. That is why we are developing workplace training that will ensure doctors and pharmacists have the proper skills and can respond respectfully to patients who are at risk.

Currently the only Australian state to have real-time monitoring, as has been mentioned by members on this side of the house previously, is Tasmania. It is called the Drugs and Poisons Information System Online Remote Access, or DORA. The Tasmanian system was implemented because Tasmania had the highest use of OxyContin of anywhere in Australia. Since the prescription monitoring system was implemented Tasmania now has the lowest use, and the figures continue to drop. So this system does work. There is evidence to back that. It does save lives, and it will save lives in Victoria.

In the future we will need to have in place a national register to fully tackle the problem. Some patients live on state borders. Even when we have this system in place, people will still be able to easily travel to New South Wales and receive medication because other states do not have the database that we will be

implementing next year, so we must be mindful of the need for a national approach to be taken to this very serious issue. We have heard that on over 30 occasions the Victorian coroner has recommended real-time prescription monitoring to prevent accidental overdoses by patients. We have heard from professional service providers as well that this is a must.

Many prescription overdoses are caused by prescribers giving medication without knowledge of patients and mixing medications that are sometimes unfortunately lethal. There needs to be a real education system in place as well so that patients do understand what medication is prescribed by a GP and medical professionals.

We continue to look at alternatives for those patients who are suffering chronic and debilitating illnesses. We need to look at some of the alternative methods that are being used in other countries that provide pain relief, and there are alternatives available. I have had firsthand experience, being part of the Law Reform, Road and Community Safety Committee, just listening to the submissions at the moment — there have been quite passionate, informative submissions — in relation to how better drug reform can perhaps be amended in our states.

I am really looking forward to the report that will be handed down next year. We have had the opportunity to look at other countries and see what Portugal, Switzerland and other countries are doing in relation to drug reform. Most importantly for me I have been able to see the real and effective use of medicinal cannabis for adults. This is an area I think we need to look at much more, because there are alternatives and there is scientific evidence. More and more we are seeing stories about how there are effective ways of dealing with pain and in particular with illnesses as well.

Just to conclude, I commend this bill. This is a bill about saving lives. As part of the law reform committee we have been hearing from professional providers that this is something they have been calling out for as well. I hope that once this is implemented next year we will see a gradual reduction in the terrible numbers we are seeing in overdose deaths. These are real people. These are husbands, daughters, wives and fathers. It can happen to anybody, and we need to be extremely mindful of really looking at the numbers for next year. Hopefully there is a reduction. I would like to commend the Minister for Health for making a massive difference, not only with this bill but also to the lives of many Victorians. I am so confident that this bill will have a tremendous impact on the lives of many Victorians.

Mr CRISP (Mildura) — I rise to make a contribution on the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017. The purpose of the bill is to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for information to be included in a database relating to the monitoring of the supply of certain poisons and controlled substances and to provide for access to the database.

Perhaps first up I will pay tribute to the Millingtons, who are in the chamber. You have experienced a tragedy, but you have used that tragedy and focused that tragedy to facilitate some change. It will not undo the pain, but your work in encouraging this is to be commended.

Real-time prescription monitoring is something that technology can give us. Life is about the right timing. The time has come for this, and we have the tools to do it. We are able to in real time track what people's habits are. We have heard a lot about doctor shopping and other issues, but the bill does provide and require that doctors and pharmacists view patient records of access to high-risk, addictive medicines before prescribing or dispensing. The information will help doctors and pharmacists make better informed, safer clinical decisions for patients and may provide opportunities for counselling and intervention where necessary.

While talking about how technology gives us the opportunity to do this, we know that the commonwealth is also looking at this. In the development of the software for our system and in the commonwealth developing their software, I very much hope that compatibility is on the agenda and discussed. I know there are some challenges, but with only two states with this legislation operating — Tasmania and Victoria — I think we need to flag that. Technology can be wonderful, but if it is not compatible, it will be very expensive. That will cloud some of the outcomes that are required here.

This bill has a long history. It requires a prescriber or dispenser of high-risk drugs to review the patient's previous use. It requires prescribers or dispensers to update the records of the patient's access to drugs on the database and allows for exemptions from the requirement to review a patient's previous use of high-risk drugs. Such patients may include hospital inpatients, people in aged care, people in palliative care and prisoners, for whom prescription shopping would not be likely. I think that is a sensible exemption.

The bill creates penalties for the misuse of the database, which we must have, and for failure to properly maintain the database, which is extremely important. It is only as good as the data that is put into it. I remember something I heard earlier when dealing with databases. I was reminded that garbage in equals garbage squared out. It is very necessary to make sure that everybody knows how to do it. That is why it is important that the software be compatible and comfortable for people to use.

The arrangements for schedule 8 treatment permits will be reviewed and streamlined, and there will be the removal of some of those administrative burdens. This will be rolled out from 1 August 2018 over an 18-month period as we need to make sure that this does work. We know that the cost to the IT system will be considerable but worthwhile. We hope that the IT is well managed, because it is too important for the IT to get messed up.

Codeine is another drug, as is diazepam, that is the main focus of this particular bill. Codeine is not included, but I know there is some work that is being done to have it declared a prescription drug by the Therapeutic Goods Administration, and that is another one that is of concern.

Perhaps I will also talk briefly about the cross-border issues that were raised by the previous member. They certainly impact Mildura as well. In my particular area most of the doctors that service New South Wales are located in Mildura. I think these cross-border issues, which are the bane of the lives of everybody who lives along the border, show us the importance of having a national scheme and for that national scheme to be compatible with the Victorian scheme.

The bill deals with other drugs in my community which are of concern. In particular ice is a scourge in my community. We have a lot of history with this. We have a community-based program that is underway, and that is dealing with quite a number of those affected, but I am well aware that residential care is the next step when you have successful community care. There is a study underway in our area. There has been a lot of work put in by some of our service clubs — Sunraysia Community Health Services and others — to develop an application for the next round of ice funding to get beds within the Mildura region for a residential facility to complement our non-residential facility as we continue to deal with drugs and drug addiction in our community.

I think we have strong support for a residential facility in Mildura. It is funding for the beds that has been sought by the Mildura community, not for the building. They have indicated through their various community organisations that they are prepared to reach into their pockets and make a substantial contribution on the capital side to create the facility, but as always, it is the recurrent expenditure that is required — the beds and the skilled professionals — for which they will be looking to the *Ice Action Plan* and the next round of funding. With that, this is a bill that The Nationals in coalition are supporting, and I wish it a speedy passage.

Sitting suspended 1.00 p.m. until 2.01 p.m.

Mr HOWARD (Buninyong) — I am pleased to add my comments to the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017. As we have heard from other speakers, just in 2015, 453 people across this state died from drug overdoses. We know that that is a significantly higher figure than for the number of people who died on our roads, and most people in our community would not be aware of that. Also, when you talk about drug overdoses most people in our community would consider that that was by people who had overdosed as a result of heroin or a similar illicit drug. As we know, that is not the case. In the 2015 figures 358 people died as a result of taking a recognised pharmaceutical, and many of those were given to them on prescription.

We have had the campaign about deaths on roads. We accept that there should be zero deaths on roads, so there has been a lot of attention focused on reducing our road death toll to zero, which is entirely appropriate. But on the other side of things we have not focused as much attention as we should have on dealing with drug overdoses. I am glad that this government is moving forward, listening to the community and doing something to help bring down the number of people who die from drug overdose.

There is one other thing I might add in terms of previous speakers. This is one of the bills that it is good to be in the house for, because people are able to speak passionately about a very important topic. But I noticed that the member for Mornington — and certainly most of the comments made by the member for Mornington were very good — said that most people would know that prescribed drugs are safe, which I think are the words he used, and that the taking of pharmaceuticals in a prescribed manner is safe. But the reality is, and people should recognise, that that is not strictly true. We know that with most pharmaceuticals there will be side effects, and with some pharmaceuticals there are of course very

serious side effects. While GPs understand this, they have to prescribe them with a sense of balance.

We know that when pharmaceuticals are prescribed for pain relief and for dealing with depression, generally the clinicians prescribing those do know that they have serious side effects. The main drugs I am talking about here are the opioids and the benzodiazepines. Benzodiazepines are clearly the other area of concern. The reality is that even a good GP will prescribe or can prescribe more than is appropriate for the patient and that often the patient can get addicted to prescribed drugs. That is something that others in our community are not aware of and that fortunately more and more GPs are becoming more aware of. Clearly there needs to be more research in the area of pain relief on using drugs other than these drugs, and that is happening.

I am fortunate in this Parliament to be chair of the Law Reform, Road and Community Safety Committee, whose current inquiry is into drug treatments and the way other governments in other jurisdictions deal with drugs. I have been very interested to learn so much on this topic. Clearly in dealing with the issue of drugs and drugs that lead to dependency there are many issues we need to be aware of. One of the things I learned recently when I went to the USA is that prescription drugs are a significant problem there. We know that in the USA, where they have a sense of free trade, drug companies promote pharmaceuticals to solve all of the problems of life and that there is a very serious overuse problem associated with pharmaceuticals in the United States. Fortunately the problem is not so bad here, but we do need to recognise that there is a potential problem, or there is a serious problem out there, and hence this legislation on real-time monitoring of drug prescriptions by both doctors and pharmacists.

One of the other things I have learned, though, and something that is a threat of this legislation, while it will be helpful, is that the other side of it is that on the issue of addiction to heroin and many drugs — where people go out there to seek illicit drugs — many of those people started on prescription drugs. The sad thing is that if we push people off prescription drugs, we have to be wary that the tendency is that they could be pushed into a worse lifestyle where they have to go to the black market to access drugs and they do not know the quality of those drugs, and that could land them with more problems. So a very important side issue attached to this legislation is that we need to be very careful to ensure that, when doctors do pick up people who have been doctor shopping or seeking more medication than they should appropriately have, they direct them into the appropriate channels to ensure that care is provided. That is vitally important.

Another thing that is vitally important is that this is not just a Victorian thing and that we look to see that this can be a national strategy. I am pleased to see that the federal government is moving on this score. It is important that we have the right IT capacity to be able to do that, and I am pleased to see that in Victoria we are now confident that we have that so that in the rollout of this we will be able to see that all GPs and all pharmacists across Victoria can access the system and that we have the appropriate training for them to ensure this is done.

The other thing that I really want to say in regard to my learnings on the issue of drug addiction and people who have drug problems is that the worst thing we can do is to stigmatise this issue of drug addiction. The worst thing that can happen is that people cannot share advice on what is going on in their life with the people around them. We need to recognise that drug addiction is a health problem. It is not a criminal matter. We need to ensure that we work to destigmatise the area to recognise that people with a health problem should be able to come forward and talk to family members, talk to GPs, talk to clinicians and talk to people who can help them so that they can get the help at the earliest possible time. As well as that, our government — any government — needs to make sure that it is in a position to be able to provide that support.

I am pleased that in Ballarat recently we announced a 20-bed facility for drug rehab, but we know that there are more required. I have also been interested to hear that you do not necessarily need to have long-stay treatment to help people off drugs. We heard from some clinicians this past Monday who advised that even short periods of advice can be very helpful and short efforts of support can help people if they are not ready for residential rehab or if residential rehab is not going to be appropriate for them anyway. There needs to be a range of supports available, and that does not necessarily mean just focusing on the specifics of drug rehab.

People who are addicted to drugs need to have the appropriate social supports to recognise what the underlying issues are and how we can help that person to deal with those broader ranges of issues. In working through the issues that the law reform committee has been working through we realise this is a very complex area. However, one of the things that has been very clear in the advice given to us is that, in dealing with prescription medication for which there is a very significant concern, real-time monitoring is a

very good next step, and I am pleased that we are moving on with it.

I also want to say — we have recognised that John and Margaret Millington are here today and have been the driving forces in pushing this issue — that it should not be necessary for people who have lost someone to get out there in the public and share their story. It is sometimes sad and a challenge for them to do so, but it is helpful for people across our community to hear those real-life, human stories. And it is when that happens that it helps to drive politicians to take action, to feel confident that the community might understand these issues better and to recognise they are real people that we want to help.

Ms McLEISH (Eildon) — I rise to contribute to the Drugs, Poisons and Controlled Substances Amendment (Real-Time Prescription Monitoring) Bill 2017. I am pleased to see that this bill is before the house because it represents the implementation of a 2014 coalition pre-election policy, and I want to acknowledge the Millingtons in the gallery today, who have helped to put this bill before the Parliament.

Real-time prescription monitoring will require doctors and pharmacists to view patients records and their access to high-risk addictive medicines before prescribing or dispensing. That is the key aim of this bill here today. Information from that review will help doctors and pharmacists to make better informed, safer clinical decisions for patients and may provide opportunities for counselling and intervention where necessary.

The bill does two things. It provides a statutory basis to create a database to monitor prescriptions and then mandates the use of the database by prescribers and dispensers. The need for this bill has been evident for quite some time. We have had calls from major bodies such as the Australian Medical Association, the pharmacy guild and, as I have mentioned, families.

If we put it into context, we have a backdrop of abuse and addiction, and we have had calls by the Coroners Court to introduce real-time monitoring. In fact since 2006 there have been 20 coronial inquiry findings that have highlighted the importance of a bill like this. When we consider the prevalence of deaths each year from overdoses and put those deaths into context with other deaths that we look at, monitor and report, we see that the road toll, which we hear about constantly, is 291, and deaths from illicit drug use, 257. But when we have a look at the number of overdose deaths — the tragedies here involving prescription medication — it is 372. That is considerably higher than that from illicit drugs, which we all tend to think have a greater toll, and of the road toll.

In the mid-1990s I worked at WorkCover — which is now more commonly known as WorkSafe — and I managed the medical and allied health area. We monitored these costs — expenditure is a way of looking at it — and determined what was happening in the lives of different claimants at the time. We could see the extent that they were doctor shopping. We could see the expenditure at pharmacies and how the money was being spent, and we would meet quarterly or maybe six-monthly with the Transport Accident Commission and insurance companies to look at the trends and patterns that were happening. Sometimes it would be the same doctors who were continuing to prescribe. If a doctor was highlighted on our system as overprescribing, they were often highlighted on others, as were pharmacies that were dispensing quite a lot. Often the claimants at WorkCover had other things going on as well, and we could see this very clear pattern of people who were doctor shopping not just for diagnoses and time off work but for drugs.

There were two reasons for this. One of them was that the drugs were being sold as a little sideline, but there were also people who were experiencing addictions. It was important that those people were pulled out, looked at and help was provided to them. That, as I said, was in the mid-1990s when these sorts of things were being monitored, and it is really quite surprising to me that it has taken this long to get a bill like this before the house, because WorkSafe were not the only ones that were having a look at these sorts of things at the time. We have an ongoing history of addiction and abuse in this area. We know at the moment that the federal government is also making moves along these lines and that the federal government's rollout nationally will be a little bit behind this one, so I think it is very important that the bill before the house has a degree of compatibility and interoperability once the federal system is in place.

The bill today provides doctors, nurse practitioners and pharmacists with access to a system that will mean they have to review the histories of the patients. To date it has been very easy — sometimes things are very busy or people do not have to do that — and they get on with just doing the job rather than stopping and looking at what they are doing, why they are doing it and whether there are any further implications. Having a prescription monitoring system will require them to use the database to make sure they are considering the prescribing and dispensing of the high-risk drugs. They will consider the implications of what that might mean. Because

sometimes it is easy to get some types of drugs, but if you are getting them on a very regular basis, it does need that oversight and monitoring.

It is sometimes difficult for doctors when somebody comes to them looking for a particular drug. For these doctors now to have access to a database or for pharmacists or nurse practitioners to have access to a database means they will have the whole picture. In the instances where it is found that somebody should not be prescribed this drug, that needs to be tackled and that person needs to be given the appropriate levels of support. The last thing we want is for somebody to not be given the drug they are after when they have an addiction to it so they turn to other drugs or to illicit drugs. We want to tackle that addiction at the time and make sure that the drug and alcohol support services are in place alongside, and that they can dovetail with, this easy referral system.

The drug and alcohol support services sector believes that patients should be refused access to medication but should not be refused it without being referred to the particular services that are needed to support them with these issues. The high-risk drugs that we are talking about are all schedule 8 medicines, and these are the high-risk prescriptions that are potentially addictive and require additional controls. This list includes morphine, which is something that we are all probably very familiar with in so many different areas of health. Other high-risk medicines — for example, some of the schedule 4 medicines such as diazepams — will also be monitored.

I am pleased to see this bill before the house. I am somewhat concerned that it has taken so long to get here. As I said, this was a coalition pre-election commitment in 2014. I have mentioned my work with WorkCover, where these sorts of things were identified and talked about quite extensively. We are many, many years — decades — beyond that time but nothing has really moved on in this space.

I am pleased to see that the federal government is making a move in this area as well because we do not want people to be able to doctor shop. People who live along the border could easily go from Albury to Wodonga to Albury. We want to make sure that that does not happen and that people cannot go interstate to try to get prescriptions filled there so they can avoid this system. It is certainly a move that is needed. The Coroners Court have called for it. We have had many overdose deaths through prescription medication, and they are really such tragedies for the families that have had to live with the addictions and the abuse and suffer as a result of these overdoses and the consequences of them.

Mr CARROLL (Niddrie) — It is my pleasure to speak on the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017. At the outset can I please acknowledge Margaret and John Millington who are in the chamber today watching this important debate on this very important reform of something that has touched their lives. If they will allow me the indulgence a little bit later, I would like to acknowledge the circumstances that in many respects have led us to where we are today and talk about the statistics. Your courage in many respects is why this reform has been introduced, particularly the circumstances that your son went through. I will touch on that a bit later if you will allow me to.

I want to commend the Minister for Health as well as the Minister for Mental Health, and I did hear the member for Albert Park's speech today. The Millingtons might not know, but he is suffering from the flu at the moment. He realised how important this legislation was and was going to do everything he could to be here and speak on it. I also heard the contributions from the members for Buninyong and Sunbury, and I want to congratulate them on their outstanding speeches on this very important legislation.

Without a doubt for too long too many lives have been lost needlessly to prescription drug overdoses, and on too many of these occasions potential opportunities to detect misuse of prescribed medicines and the warning signs of addiction were missed. Through early detection and intervention we can save lives. By implementing a real-time prescription monitoring system this bill will help us to do just that. It will enable prescribers and pharmacists to review dispensing records for high-risk medicines to help them make better informed, safer clinical decisions at the critical moment of consultation or dispensing.

As I touched on, the statistics themselves really underscore what we are dealing with. In 2016 prescription medicine overdoses resulted in the loss of 372 Victorian lives. To put into context how alarming that figure is, it is higher than the number of overdose deaths involving illicit drugs and even higher than the road toll. That just describes the enormity of what we are dealing with right here and now. As I said at the outset of my contribution, and with the Millingtons in attendance, these statistics really do in many respects obscure the grief and the very real harm that these tragedies record.

In 1994 Simon Millington was an 18-year-old auto-electrician and the son of farmers from Nhill when he crashed his car on a country road and suffered devastating injury. After weeks in hospital and numerous operations he became addicted to his pain medication and other drugs. His mother, Margaret, who is here with us today, says that for the last 16 years Simon's life was a roller-coaster involving numerous attempts at drug rehabilitation and chaos for the family as they tried to rescue him. The family and the Millingtons were very determined to save him.

In 2008 Simon found that he was the father of Maddie, a four-year-old girl. I have a Maddie at home, and congratulations on your beautiful granddaughter. This seemed to be a turning point for him. When he left the six-month rehabilitation treatment, he came home to work on the farm and volunteered to help others in rehab. Naturally he was a doting father and desperately wanted to stay well for his daughter, Maddie, but addiction crept back into their lives and he started prescription shopping again. Sadly, the family lost their battle to save Simon. In 2010 he died of an accidental overdose of oxycodone.

I would like to express my deepest condolences to the Millington family on their loss and also to all the other families that have similar heart-wrenching stories. The burden of grief is hard to imagine, and it is something that no family should have to bear. Margaret and John Millington, Simon's mother and father, have been tireless advocates, as I said at the outset of my contribution, for real-time prescription monitoring ever since his death. I want to put on the record again my deep admiration and heartfelt thanks for their efforts in bringing this issue to the fore on behalf of so many Victorians and indeed everyone that is going through this issue at the moment.

On more than 30 occasions Victorian coroners have recommended real-time prescription monitoring to prevent the unintentional prescription overdose deaths of people whose drug use was uncoordinated or who were obtaining dangerous prescription drugs from unwitting multiple prescribers and pharmacists. I think it is very important though to refer to Margaret's words about her son. She said:

> His life mattered … and that is why I do what I do for others in similar circumstances.

Such tragedies are often the result of a desperate attempt to manage pain following an accident or injury, and they could have been avoided with earlier intervention and support. I have been heartened by the courage and determination of many parents and families to change things for the better. Their support and involvement is vital to changing mistaken preconceptions about the problem of misuse of prescription drugs and helping to create an empathetic climate for acceptance of monitoring.

The Millingtons might not be aware, but I sat through a parliamentary inquiry into crystal methamphetamine, particularly dealing with the drug ice, and there was a groundbreaking two-volume report that we tabled in the Victorian Parliament a few years ago. While we talk about crystal methamphetamine — it is in the news all the time — the overdoses and the unintended consequences of prescription drugs have not been given the attention they deserve, but it is through the Millingtons' courage that they are getting that attention, and right now in this place legislators are speaking on their behalf to get the legislation passed through the lower house and upper house, given royal assent and actually then working and making a real difference through pharmacists and health practitioners right across Victoria and indeed eventually right across Australia.

I saw firsthand the devastation of what crystal methamphetamine can do, and I saw very real cases of people that were literally taking the drug to numb themselves. I could see very well that often they would graduate from alcohol to crystal meth. They would actually start smoking crystal methamphetamine, and then they would be injecting it into their bloodstream to get an even bigger hit. But they themselves did not choose the drug; they had no other choice. There were often all sorts of hardship that they had endured in their lives and their family backgrounds that had led them to take the drugs to numb themselves.

We have done a lot of work on this issue under the former opposition leader, now Premier. In fact he has taken a very real interest in crystal methamphetamine with his background in Wangaratta, where it is an issue, and regional Victoria and through him leading the Ice Action Taskforce. There is work going on through the Minister for Mental Health for more rehabilitation beds in regional Victoria and the creation of our second Drug Court, in the City of Melbourne, to realise that drugs are a health problem as much as they are a law and order issue. If you do treat it as a health problem and you give people the counselling that they deserve — not the short-term fix but six months worth of counselling — you can turn the tide. In New Zealand that is what they did, and over there they called the drug ice 'p', for pure. They have halved the rates of use. I met with policyholders from New Zealand and saw firsthand what they have been able to do.

This real-time prescription monitoring system that we are going to implement through a computerised system will allow the records of supply of certain high-risk medicines to be transmitted in real time to a centralised database that can be accessed by doctors and pharmacists during a consultation. As Parliamentary Secretary for Justice, it is amazing how many health practitioners I meet with and different people that I learn from. People will more often than not confide in their local GP or doctor before they confide in a lawyer. We are getting better at health and justice and bringing those two departments together to work in a harmonious and collaborative way because we realise that health and justice go together. It is very much the story of a Labor government, putting health and justice together. We are committed to the implementation of real-time prescription monitoring because we want to reduce prescription shopping and the harms, including deaths, from misuse of prescription medicines.

I want to conclude in the final 30 seconds by again congratulating the Millingtons for their advocacy. They fought so hard and tirelessly. They should be very proud. The local member has been a tireless advocate on their behalf. Both sides of the chamber do not always work together, but on this issue we are as one. We know we do not have a second to waste. In your honour and your son's name and honour, we intend to make sure this is a real change for the better, and I commend the bill to the house.

Mr DIXON (Nepean) — It is a pleasure to rise to speak regarding this very, very important bill, the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017. As you know, the opposition are not opposing it. In fact we flagged that, if we had been successful in 2014, it is something we would have taken on as a government. I am a member of the Law Reform, Road and Community Safety Committee at the moment. We are doing an extensive investigation into drug regulation and drug issues across the whole gamut of legal and illegal substances and a whole range of circumstances and regulations. It is a very, very broad field.

One of the things that we have found in our hearings here in Victoria — we have had a number of hearings — and also our overseas investigations and professional reading is that the issue of prescription drugs looms very, very large. As we know, eight out of 10 fatal drug overdoses in Victoria are actually due to prescription drugs. When you first hear that, it just rocks you. I have only learned that since I have come onto the committee. So many of our witnesses and experts who have talked to us have elaborated on the huge issue that that is. One of the big problems we have got to tackle is to educate the whole community about what a scourge this is.

In a perverse sort of way I think this legislation — the enactment of this legislation, the regulations that follow on from this legislation and the practicalities of this legislation — will probably do more to educate the broader community than has been done before. When the reality sets in as this monitoring is actually set up, people who might be prescription shopping will then start to find out: 'I can't do this. Why can't I do this?'. The chemists, for example, will be able to talk to people and tell them, 'Well, I can't give you your prescription because you've already had one filled last week', or down the road or whenever it might have been.

I think on many levels, and most importantly at the level of the person who is experiencing it, this is a serious health issue. And that is what it is; it is a health issue, like any drug issue is a health issue, and of that I am convinced. Hopefully a reality will be presented to them when they are refused that prescription. I know chemists are not just going to toss them out and say, 'On your way, you can't have one'. The advice and hopefully literature will be there to help that person seek further medical attention, not just the medical attention that is giving them that prescription — for whatever reason they might be taking what is a harmful drug if abused — but attention for the deep-seated issues as to why they have become addicted and why they are going to the lengths of doctor shopping, and that will help them really get to the bottom of their problem. It is another interface where a person who has had this health issue may be able to be helped.

One of the issues is with GPs. There is a range of knowledge and a range of experience with GPs in prescribing medicines, and a lot make this their specialist study area. For others it is just one of the things that they do, and they may not understand fully the important role that they play in attending to the issues that a person presents with. The reason they might need the painkiller, for example, might be more than can be seen on the surface. Why are they consistently coming back? Do they seem to be relying on this painkiller just to get them through their everyday lives?

I think this is a real opportunity, and as it is implemented I hope there will be reading materials available. The point I want to make is that education and training for health professionals has to go hand in hand with this. This is not something that just has to start. There will be the obvious software and computers

and what have you that will be needed as the whole system is set up, but along with that there is a golden opportunity to educate the medical profession as to why this is happening, how this is happening and what further they can do to help their patients.

I would hope that there would be a fair degree of publicity about this as it is implemented and that the broader community, even those who are not affected by this, will learn a little about this serious issue of people overdosing on prescription drugs. It may be that a member of someone's family is affected by this issue, but they do not know how to broach the subject with that family member. This may give them the opportunity to learn a little bit more about it and help that person. So yes, it has got an immediate effect on regulating the prescriptions that are given out and filled out, but I think it has got a broader health role — and I hope it will have — in educating the community and the medical profession about this.

On the stark numbers, as I said, I was surprised when I found out today that eight out of 10 overdoses are from prescription drugs here in Victoria. As the member for Niddrie said, it is higher than the road toll. Just look at the mass of publicity around the road toll in our papers and in our media and the billions of dollars that are spent on road safety research and on making our roads safe and our cars safer. Here we have something that is taking lives but has nowhere near the amount of money, attention, training and education spent on it as road safety does.

The sooner this legislation starts, the better. The member for Eildon was talking about the national approach. I think that is very, very important. We might be a large country in some ways, but we are a small country in other ways, and it is important that we have a national approach to this. It is very, very important that there is a consistent message across all jurisdictions about this, and I know that the federal government is working towards that. I know that eventually codeine is going to be added to that list of drugs. I support this legislation. I think it is very, very important in both the short term and the long term in tackling what is a terrible health scourge in our community.

Debate adjourned on motion of Ms HUTCHINS (Minister for Local Government).

Debate adjourned until later this day.

RESIDENTIAL TENANCIES AMENDMENT (LONG-TERM TENANCY AGREEMENTS) BILL 2017

Second reading

Debate resumed from 23 August; motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Ms KEALY (Lowan) — It is a pleasure to rise today to add my contribution to the debate on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. I will note at the outset that there was some discussion earlier in the sitting week about taking this bill into consideration in detail, and we will be seeking to do that later today. We have a number of concerns and questions, and we are looking forward to working through some of those details with the Minister for Consumer Affairs, Gaming and Liquor Regulation if we possibly can do that.

The purpose of this bill is to amend the Residential Tenancies Act 1997 to provide for tenancy agreements for a fixed term of more than five years and to make consequential amendments. It is clear that that is the overall intention of the bill. It is what has been focused on in the media surrounding this bill, but it has also been the main crux of the discussions that have occurred involving government MPs. By repealing section 6 of the act, the bill focuses on removing the limitation that is in the current act, which excludes the application to tenancy agreements for a fixed term of more than five years.

There are a number of other amendments within this bill that have raised deep concern among organisations and key stakeholders that I have contacted — that is, that this may open the door to a significant number of other changes in regulations, which may actually work to the detriment of the long-term lease sector of demand for those sorts of long-term leases but also that it may have a significant detrimental effect on the supply of rental properties and create increasing pressure on the rental charges applied by landlords due to people pulling out of the market.

I will just go through the other main provisions of the bill. There is a definition of a standard form tenancy agreement in the bill. That is in clause 4, which amends section 3(1) of the act. Clause 6 amends section 26 of the act, which relates to the requirement that written tenancy agreements be in standard form.

New section 26(2A) provides that it is an offence to prepare or authorise the preparation of a tenancy

agreement for a fixed term of more than five years if the agreement is not in either of the standard forms, and we will seek some clarification around that. Not completing an agreement for greater than five years in one of the standard forms does attract a penalty under the bill that is before us.

Clause 7 inserts new section 26A into the act, which relates to prescribed prohibited terms in tenancy agreements for a fixed term of more than five years. However, it is noted that these prohibited terms have not been supplied as part of this bill, and this is a key area of concern for many people within the industry who will be impacted by long-term leases.

Clause 10 includes new section 34A, which provides that an additional amount of bond may be required by a landlord under a tenancy agreement for a fixed term of more than five years.

Clause 13 refers to new section 209AA, which provides that if a party to a fixed term tenancy agreement of more than five years has breached a term of the tenancy agreement, the other party may apply to the tribunal for a compensation order or compliance order.

Clause 16 inserts new section 237A, which provides that if a tenancy agreement for a fixed term of more than five years does not comply with the requirements of section 26(1A), it should be in writing and in a prescribed standard form. The tenant may give the landlord notice of intention to vacate, specifying a termination date not less than 28 days after the date on which notice is given.

As I stated earlier, these main provisions of the bill have led to overwhelming concern being expressed to me that this bill will actually open the door for Labor to make significant regulatory changes down the track on the back of the Residential Tenancies Act review. In particular there are concerns around the prescribed prohibited terms and the fact that no indication has been given as to what these prescribed prohibited terms may be. Of course we all know that demand for leases of longer than five years and in relation to security of tenure is one thing, but in all honesty, not being able to enter into a lease of greater than five years is absolutely nothing when you compare it to the inability to pay rent.

Under this government we have seen the closure of Hazelwood power station, which was a result of Labor policy to impose a number of significant taxes, which basically made that business unviable. We are now seeing electricity prices go through the roof. The cost of living is also increasing. We know that salaries and wages are not increasing to the same level, and people are finding it harder and harder to meet day-to-day living costs. Along with being able to put a meal on the table, making sure that your children are taking lunch to school and can afford schoolbooks and uniforms and being able to keep the lights on and put a meal on the table at night-time, of course being able to pay the rent is a huge pressure for many families. It does not matter how long the lease is, if you cannot pay the rent, then you are putting your ability to put a roof over the heads of your children at risk.

We have other concerns. I do not understand what the demand is for putting in place leases in excess of five years. I have asked for information about that. I was looking for a breakdown of evidence on the different periods of leases that are currently entered into by Victorians. Unfortunately the minister's office was unable to provide that. It is interesting that the government is seeking to bring in a bill to address a problem that perhaps does not even exist.

Further, I have since been supplied with some research undertaken by Consumer Affairs Victoria, which looks at preferred lease terms of tenants. According to this data, 13 per cent of people are looking for a tenancy of six months; the bulk of people, 18 per cent of those surveyed, are looking for a 12-month lease; 14 per cent of people are looking for a two-year lease; 8 per cent of people are looking for a three to four-year lease; and then it significantly drops off. It is only 2 per cent of people looking for a lease from five to seven years. Only 1 per cent of people wanted more than 10 years, and nobody wanted eight to 10 years. This data therefore shows that most people are looking for a lease of less than two years duration. Very, very few people are actually seeking a long-term lease.

We also have to look at the other side of the issue. It is not just about a tenant wanting to enter into a long-term lease; it is about the limitations that are put onto a landlord and whether they are willing to enter into a long-term lease if they deem that all the requirements that they will be burdened with if they enter into a long-term lease will mean that it is simply unattractive for them to do that. I think that is the case with this bill — it is unbalanced.

The media release says a long-term lease will be great for tenants because they will have the security of knowing where they are going to live. But the fact of the matter is that tenants do not want to enter into a long-term lease. They would like a level of flexibility as well in case things go pear-shaped within their rental property. If things change and people want to move or if somebody has a change of job, they need and want that flexibility, and that is seen in the data I referred to earlier.

Furthermore, landlords are not going to enter into these kinds of agreements if it means that they are going to be burdened with unnecessary and unfair extra conditions that mean they have less control of their property. They will think that they might as well just enter into a short-term lease, or they will withdraw their property from the rental market.

I think we also need to clarify the sorts of people that we are talking about. We do not have institutional-type landlords in Victoria. Seventy-two per cent of all landlords are actually mum-and-dad investors. These are people who have got a second property and who have it as an investment. They rely on their rental income so that they can continue to pay down the investment. It may even help them to pay for their own home. Often people do have their own home secured against their investment property. There is a risk that if we introduce any sort of legislation around better protection of tenants or around shifting that power to the tenants, then we run the risk that if a tenant does not pay their rent and there is no way for a landlord to seek compensation for that, or to make sure that they can evict somebody if they cannot pay their rent, potentially mum-and-dad investors are going to lose their homes because they are not having that rental flow.

This is a significant issue, and it is much deeper and more complex than I think the minister has given it credit for. I think it has been looked on as a superficially great idea for a long-term lease, but with the way it is being implemented we are actually going to create an enormous challenge for many, many people in Victoria, particularly for the mum-and-dad investors who, under the reading of this legislation, will not have the ability to evict a tenant if they do not pay their rent. It is astonishing to think that element would be removed.

There is no balance between tenant and landlord rights in the bill. We know that as part of the residential tenancy review only 200 telephone interviews occurred with landlords, whereas over 1800 tenants had input to this review. Eighty per cent of the recommendations in the Residential Tenancies Act review, which was released in January and which was considered over January, suggested a shift in power from the landlord to the tenant. It might sound good, but I think potentially it could be disastrous for the supply of rental properties in Victoria, and a decreasing supply means a huge increase in rental charges, which will jeopardise the most vulnerable, the people who can least afford a huge increase in their rents.

Another area of concern is that landlords are unlikely to enter into long-term leases if they lose rights over their properties, and this is with particular reference to the prohibited prescribed terms clause in the bill. Not knowing what may be in those prohibited prescribed terms means that it is difficult to support the bill. If you look at what prescribed terms might be prohibited, it could be around the inability of a landlord to ban pets on a property. There might be a very good reason why they want to ban pets. It might be about the tenant having to clean the carpets prior to leaving the premises. That is something that would be an additional cost to a landlord. They are not going to cop it; they will build that into the rent, which will then push up rental charges to prospective tenants.

It may be a prohibited prescribed term that is around non-structural changes to premises. So if you choose to paint all your internal walls hot pink, there may not be a requirement for the tenant to correct that and bring it back to the original state when they leave the property. This of course will impose a huge cost on the landlord, and again they are not necessarily going to cop that. They are going to have an understanding that they will have to put some money aside to make sure that they can correct any of the changes that may take place, and the only way that they will be able to put that money aside is by charging more rent over the period, again pushing up rental costs for those who can least afford it.

There may even be a prohibited term around structural changes to a property. Perhaps you could knock down a wall, put in a new door somewhere or do a complete bathroom or kitchen renovation; we do not know what it might be. But this unknown of what may be a prohibitive prescribed term is a huge risk for landlords, and for tenants as well because they are the ones who will be hit with any additional charges to cover those potential costs, whether or not they are put in place. It is disappointing that we have not even had a list of suggested prohibited prescribed terms, although we can glean a hint of some of those from the options paper that was put out earlier in the year.

The standard form for tenancy agreements greater than five years has not yet been drafted, and again this is a concern that has been raised by stakeholders with me over the consultation period. There is also some confusion in that the bill refers to two different standard forms. For a lease of greater than five years it has to be in one of two standard forms. It actually refers to this in clause 6 that I spoke to earlier. It says that the landlord or tenant must not prepare a tenancy agreement for a fixed term of more than five years if the agreement is not in either of the standard forms. It makes sense to me that we have some clarification around that. There should just be one form. If we are going to have a standard form, have one for everyone, because there is a lot of variability in the elements of a lease that you

enter into for longer than five years. For example, who is responsible for the maintenance? If people are going to take this on as their own home, do they have a greater responsibility to maintain that home to a significant level or a higher level and therefore the landlord has less opportunity?

Of course if it is a long-term lease, there is less changeover. Usually during a changeover of a lease it is an opportunity for a landlord to go in and do minor repairs. They might freshen up the paint. They might fix up a few things in the bathroom or replace a section of carpet that has started to fray. That is the time when those sorts of repairs and maintenance occur.

However, with a long-term lease we need to get some clarification about who will be responsible for the sorts of minor fixes that occur following the normal wear and tear on a property. This is something that should be considered in a standard form, or perhaps it would be more applicable if there were greater flexibility in these long-term lease agreements and an ability to draw up your own agreement depending on the needs of the property and with an agreement between the landlord and the tenant.

There is also the concern about the removal of the right to evict a tenant under new section 209AA, inserted by clause 13. This is an interesting section. It refers to an opportunity to provide a compliance order or to seek compensation. However, there is no ability, in my reading, for a landlord to evict a tenant. As I said earlier, seeking a compensation order is all well and good, but somebody might refuse to pay the rent. It happens. I understand people are being told that if they want to get out of a lease agreement, they should stop paying their rent at this point in time.

If we look at the situation where you have a mum-and-dad investor who has their home mortgaged in order to afford their second property, they might be looking at it being an investment property for their retirement. When somebody stops paying the rent it simply means that the mum-and-dad investor is going to lose that second home. They may lose their own home, and we are just putting more and more pressure on families who are not wealthy landlords with thousands of properties. It might be their sole investment property. This is what we are talking about; 72 per cent of all rental properties are owned by mum-and-dad investors. It is not the big end of town but everyday people who live in our electorates. This is a huge risk for them, and it may shift their ability to have an investment property. It may undermine the returns they can get on their investment properties. It may be putting their homes at risk.

Another concern is that any significant restriction on landlord property rights is likely to discourage landlords from offering properties for rent. There are a number of details in the bill which simply shift the power too much towards tenants and will force landlords out of the market. I suspect there may be some underlying intent behind that — that pushing landlords out of the market will increase supply of properties for sale for individuals in trying to address the housing shortage we have, particularly in metropolitan areas. However, Victoria is growing at such a significant rate that any properties that are given up by landlords as being less viable investments and put onto the market are going to be soaked up by the 120 000 people who move to this state each and every year, with 92 per cent of them moving to Melbourne. It simply will not bring down house prices if this is the intention of the amendments made to the Residential Tenancies Act.

I am concerned that this is more of a stunt. This is talking about security of tenure, but actually it is going to work against that. It also will not fix a problem that does not exist. I have gone through the elements of what the preferred lease terms are for tenants. They simply are not looking for leases in excess of five years; most people are looking for a lease of less than two years. So why are long-term leases being sold by Labor as providing greater security for renters? Labor are actually increasing the cost of living through their policy to close Hazelwood, resulting in enormous increases in electricity costs. As a result, being unable to pay the rent is a far greater risk to tenants' security.

I would like to go through some of the commentary or feedback that has been received by me because I have received extensive feedback and not one person has been supportive of the amendments put forward by the Labor government. Of greatest concern was the Real Estate Institute of Victoria's submission. They have gone into this in great detail and, I understand, provided a number of submissions to the government throughout the drafting of the bill. However, they are extremely disappointed that it appears none of their feedback has been taken into consideration. I refer to their closing paragraph:

> In short, there is nothing we can commend in support of this legislation — we will advise our property managers against entering into these longer leases on the basis of reduced protection and increased risk.

If such a strong and influential body which is very fair and reasonable thinks that the amendments included in this bill are so extreme and going to harm landlords to such an extent that they are going to actively advise landlords not to enter into long-term leases, that just

shows that this is an absolutely failed attempt to fix a problem that does not exist. The sting is certainly in the tail in relation to the impact this may have on shorter term leases or leases of less than five years.

I have received similar commentary from the Registered Accommodation Association of Victoria, from the Housing for Aged Action Group, from Clubs Australia and from the We Live Here movement. Their concerns are consistent with those issues that I have raised in that this bill includes many elements which would discourage landlords from entering into long-term lease arrangements. Further, there is no incentive for a landlord to enter into a long-term lease arrangement.

This bill, in my view, is nothing more than a stunt. You can see from the stakeholder feedback that it is actually more likely to discourage landlords from entering into long-term leases. It is likely to discourage landlords from keeping their property in the tenancy market. If we have a withdrawal of rental properties, all that will happen is that we will see an increase in demand for rental properties and that will simply push up the cost for the people who can least afford to pay the rent, to keep the lights on at home, to put a meal on the table and to put uniforms on the backs of their children. They will be the ones who have their ability to pay the rent and put a roof over their children's heads put at risk. I think this bill has completely missed the mark in terms of providing greater security for tenants in Victoria.

Ms HUTCHINS (Minister for Local Government) — I am very pleased to rise to speak to the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017, and I acknowledge the work that was done by the Minister for Consumer Affairs, Gaming and Liquor Regulation, who has done a power of work in going out to the community to canvass ideas on Victoria's tenancy laws with the aim of improving the Residential Tenancies Act 1997.

Responses came in from all corners of the state, including 331 written submissions to the Fairer Safer Housing discussion paper and over 3000 contributions from participants at forums and through surveys. There were a few consistent themes that came through from this consultation, and I have got to say that they were very much in line with what I hear from people in my own electorate. Victorians are calling for more secure, more affordable housing —

Mr Katos — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Ms HUTCHINS — Now that my fan club is here to listen to my contribution on this very important tenancy bill I just want to make the point that more than 25 per cent of Victorians currently live in rental accommodation and this government believes they should have longer term leases and more security.

As a young child growing up, by the time I left home at the age of 19 I had actually moved house 20 times in 19 years. My mum and I actually sat down and counted up all the houses we had lived in during that time. I was very familiar with what the laws and regulations were around renting at probably the tender age of about 10 or 11 because we faced very short-term leases and very much insecure housing as I was growing up because my parents were very young when they had me. They were 18 and 19 years old and they had three children by the time they were 23 and 24. They had never had the opportunity to buy a house in all of those years together. They instead were forced into the rental market and on many occasions were forced to move on even before the leases were up due to the nature of where we lived at the time, which was predominantly around the Moonee Ponds area and that was year by year becoming more gentrified.

Many of the houses that we rented would be sold or renovated and we were moved on, which was one of the primary reasons that we moved house so much. I am not sure if the member for Essendon is here, but we lived in the three consecutive streets in a row in Essendon: Byron Street, Browning Street and Chaucer Street, all named after the great poets. I will never forget the memories of walking our belongings down the laneway between those streets as we moved house during that time.

With that experience under my belt, I am very pleased to talk about the long-term rental opportunities that this government has committed to through this bill. No-one takes it easy when they move house. Moving house is extremely stressful. For many families who are forced to move from house to house every year or every few years, their children's education gets disrupted. Their relationships, their friendships and their sense of community become very unsettled. Quite often people are forced to even change jobs if they are forced to change their housing and move to the other side of town or in fact to regional Victoria in order to find affordable housing.

What this bill delivers is looking at how we can offer both landlords and renters those securities, if they do seek those arrangements, where they can have a long-term tenancy agreement. This amendment actually paves the way for that. Currently the act does not

provide for tenancy agreements greater than five years. Under this reform the rights, duties and protections of the existing act will remain in all fixed-term tenancy agreements going forward. This bill just amends the Residential Tenancies Act 1997 to cover leases of longer than five years, which will provide greater security for both tenants and landlords, provide stability for renting families and provide a more steady income source for property owners.

Research conducted as part of the Fairer Safer Housing review found that approximately 50 per cent of landlords and 25 per cent of tenants indicate interest in longer fixed-term tenancy arrangements. Security of tenure was identified by tenants as a high-priority issue, and almost 20 per cent of tenancies have now been ongoing for more than five years. Rental applicants who have maintained a tenancy for five years or more may also find that their future applications will be strengthened by their consistent rental record.

My own brother recently left a rental property after seven years of being there, and he said it gave him the edge in applying for other properties when he went forward. In fact he got multiple offers because he had been in the same place for seven years. That arrangement had been locked in for a four-year arrangement to start with and then year to year after that. So it is a better situation for landlords and tenants to know that those who look after their homes and have more stable agreements with their landlords will be rewarded with either secure long-term leases or more consistent rental records to show on their next rental application.

The Consumer Affairs Victoria review of residential tenancy agreements also found that 30 per cent of tenants preferred a tenancy longer than two years, which at the moment in practice is almost discouraged by the current act. The existing laws do not provide certainty, so in practice landlords and tenants are not discussing these types of leases even where there is benefit to both parties. These changes will mean greater security for the 884 000 Victorians who rent or own a rental property — both tenants and property owners — providing stability for renting families and a more steady income source for property owners.

We also know that the requirements to pay a higher bond amount at the start of the tenancy will not be something that increases under this regime. We know there will be flexibility during the term on behalf of the landlords. Aside from the legal protections of rental bonds, we also know that the risk of occurrence of damage in long-term tenancies of more than five years is significantly lower than in tenancies of less than five years. The safeguards that currently reign under the act will certainly be in place for both the landlords and tenants. Of course this is all being undertaken with quite a substantial investment by the Andrews government, as well as new technology underpinning this, which includes a matching website that will look at matching up tenants and property owners who both want to secure long-term leases.

Consumer Affairs Victoria, the Tenants Union of Victoria, the Real Estate Institute of Victoria, the director of housing in the Department of Health and Human Services and of course the Minister for Consumer Affairs, Gaming and Liquor Regulation have all made huge contributions to the development of this bill, and what has come out of that work is a very positive bill with great benefits to property owners and renters across Victoria. We need to make it easier for Victorians to put a roof over their heads. This bill, in concert with the government's housing affordability strategy, will deliver this. We have committed to a $1 billion Social Housing Growth Fund and 100 000 new lots in 17 new suburbs, and we have welcomed changes to stamp duty and first home owner grants. This is a great initiative, and I commend the bill to the house.

Ms ASHER (Brighton) — I too wish to say a few words on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. I read this second-reading speech with enormous interest. I can only say after I read the bill that this is a classic case of overpromising and massive underdelivery by the government, because I picked up the second-reading speech with a great degree of excitement, and I read:

> This bill will introduce one of the most significant changes to residential tenancy arrangements in Victoria in the last 20 years.

I thought to myself, 'Wow, this is going to be some bill'. Is this going to be even greater than the very first residential tenancies bill, which I remember coming out years and years ago? Is it going to be as significant as some of the reforms that were introduced by Jan Wade, a previous Attorney-General?

I might add by way of an aside that when I was a very young backbencher in the 1990s, I headed a review. They were the days. The backbench is not such a bad place; you will be there for a long time. I actually helped the government conduct a review on residential tenancies, and that review resulted in some substantial changes — for example, the whole bond authority. The Auditor-General recommended there should be a bond authority and that landlords should not just pocket tenants' bonds — and they should not. There were substantial recommendations in relation to rooming

houses and caravan parks and the like. A very, very substantial piece of legislation went through this house in the 1990s.

When I read that this was going to be the most substantial reform in 20 years I became quite excited. I thought this was going to be a massive, massive change. I have read the bill and can see that what the government wants is for the Residential Tenancies Act 1997 to have tenancy agreements of more than five years. But then I looked for perhaps a standard form of a lease agreement. I thought it might be an attachment, but no, that was not available. I was also interested in these prescribed prohibited terms, because I thought that would be quite substantial in terms of whether landlords would in fact want to have long-term tenancy agreements with a tenant they had not previously had experience with, but they are not available.

It seems to me there was a great amount of excitement from the government and very little in terms of the legislation before us. However, just because things are not done — just because the example lease agreement is not available or because the prescribed prohibited terms are not available — that does not mean to say there will be cause for concern in the future.

I note that the second-reading speech says:

> The bill will enable greater security for tenants and certainty for landlords.

Without extra documentation being available for members of the public or for members of Parliament to view, I am not so sure the bill in its current form will provide greater security for tenants. It may do so if they secure a long-term lease and if they want a long-term lease, but I am not so sure that it is going to provide certainty for landlords, because at the moment I expect a landlord would not want to enter into a long-term lease without having more material available to them.

The bill before the house, as I said, provides for tenancy agreements for more than five years. It provides for the capacity to have new, standard forms. It sets out various offences and provides for some changes to bonds. I am not so sure the Minister for Local Government completely understands the terms and conditions under which landlords can get additional bond money. They can do so for the second five-year lease. There is a helpful example on page 8, which is in clause 10 of the bill. It explains this circumstance. Bonds make up four weeks rent, but for the second five-year lease, landlords will be able to ask tenants for an increased bond, as they should be able to, if the rent has gone up.

We have outlined a number of concerns. I will say, though, lest anyone think I am on one side of this argument: I have been a tenant a few times in my life. I have had a couple of good landlords, I have had a couple who I probably did not think were so good and I have been a landlord twice in my life. I never again want to be a landlord, but not because of the tenants. I just think it is a lot of money tied up in one investment that you cannot access very quickly. There are good tenants, and there are good landlords. There are bad tenants — there are many of them. As part of the review I did, I sat in on VCAT for a day. There are a lot of bad tenants, but there are a lot of very poor landlords as well. I have to say also that I think there are various degrees of efficiency amongst the estate agents who look after tenants. I am not so sure some of the agents who act for landlords have the landlords' or the tenants' interests at the forefront of their minds.

However, the key question for me is — and I would be very pleased if the government could answer this — is there a demand from either side for five-year tenancies? I note the government consulted 1800 tenants yet only 200 landlords. I note also that the member for Lowan indicated that the Real Estate Institute of Victoria said it will be advising stakeholders not to enter into long-term leases because of the increased risks they see being associated with them. I would think that from the point of view of a tenant, a five-year lease is particularly long-term. People's lives do not normally pan out in such a way that they make the decision to live in one place for five years. I would have thought that a landlord would really have to know the tenant or that a new tenant would have to have outstanding and impeccable references for them to sign a five-year deal.

I also make reference to the fact that in Australia there are many, many landlords. In fact the member for Lowan said that 72 per cent of landlords were small. Of course it is no surprise that there are a lot of landlords in Australia, due to the federal government's negative gearing policies, whereby clearly those in my generation invest in houses for their superannuation, as encouraged by negative gearing. It is in those small landlords' interests, of course, to have good tenants, and it is in the tenants' interests, obviously, to have a good landlord.

The member for Lowan referred to a survey conducted by Consumer Affairs Victoria. She pointed out to the house that the most popular lease term was 12 months. The second most popular lease term was two years. That made totals of 18 per cent and 14 per cent. The member for Lowan also handed me this survey. Interestingly enough I see that 33 per cent of people said they did not know what their preferred lease term was. That, to me, indicates that not everyone would

know at the beginning of their lease whether they would have, for example, job security that would make that house a convenient place to live for five years. So I am not so sure where the demand for this has come from, because it was certainly not borne from fact.

I am concerned about the diminution of a landlord's power to evict. Landlords should be able to evict with good reason and under the Residential Tenancies Act. If a tenant does not pay rent over and over again, or if a tenant damages property, there must be provision for the landlord to be able to regain their property. There must be provision, for example, for when a landlord wants to use their property. There must be those provisions available to the landlord.

But my single greatest area of concern in this is the fact that the prohibited prescribed terms, which are going to be so fundamental as to whether landlords will want to actually offer someone a five-year lease, are unknown at this stage. It seems to me that the Minister for Consumer Affairs, Gaming and Liquor Regulation got very excited about one of her first pieces of legislation and wrote a very sweeping statement at the beginning of the second-reading speech. She wanted to do the most significant reform in 20 years. That is what she wanted to do. The bill before us offers the option of a five-year tenancy, but a whole heap of supporting documentation which will be so necessary for landlords to make that decision is not available to this house for proper consideration. I wish the minister well, but this bill does not give security for tenants and certainty for landlords.

Ms COUZENS (Geelong) — I am pleased to rise to speak on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. I want to congratulate the Minister for Consumer Affairs, Gaming and Liquor Regulation on her work on this important amendment to the act. For some renters in Geelong this will be significant, particularly those with young families.

The object of the bill is to amend the Residential Tenancies Act 1997 so that it will apply to fixed-term tenancy agreements of any length and also to enable a standard long-term tenancy agreement to be prescribed for fixed terms of more than five years. Currently landlords and tenants are free to enter into fixed-term tenancy agreements of any duration. However, section 6 of the act provides that, except in limited circumstances, the act only applies to agreements for a fixed-term not exceeding five years. In its plan for fairer, safer housing the government stated that options for long-term secure rental arrangements under the act were a priority for review. The existing limitation on the application of the act recognises that the majority of tenancy agreements are for terms of less than five years. Market research conducted as part of the Fairer Safer Housing review found that approximately 50 per cent of landlords and 25 per cent of tenants indicated interest in longer fixed-term tenancy agreements, with security of tenure being identified by tenants as a high-priority issue. In the Andrews Labor government's housing policy statement *Homes for Victorians*, released in February 2017, the government committed to making long-term leasing a real option for Victorians.

As I mentioned earlier, everyone deserves the safety and security of a home and of stability in their lives, particularly children. A significant number of people, particularly young people and young families, are struggling to break into the housing market. Housing prices are rising, and up-front costs — a deposit, stamp duty and fees — quickly add up. I know that in my electorate of Geelong more and more people are relying on private rental.

It is getting harder for renters as well. In my electorate there are 5679 private rentals through real estate agents and around 230 private landlords. The expectation is that the demand for private rental will increase with the strong population growth in the Geelong region. The demand for private rental will have an impact on my community in terms of housing access. Some of those people who are struggling to meet the high rental prices that we are seeing now or who are forced to live in unsuitable housing do not have the security they need or the capacity to personalise their homes as they would like to.

The cost of moving, particularly for families with young children, is considerable, and it also has implications for their children moving school and leaving their friends. There are a lot of issues around that. In my community I have spoken to many private renters, primarily young families, who are raising those concerns on a regular basis because they have to uproot their children from their school. They see the difficulty and often the damage that that does to their children, particularly children in primary school. There is also significant cost to move from one property to another. Many of them are having to move as often as every 12 months. For those families this is a significant change.

Obviously you need to find a landlord that is prepared to go to that longer lease agreement. I know in Geelong there are landlords that are doing that, and I think it is fantastic that they are prepared to do that, but we need more and more landlords to take on that challenge and offer that long-term security to young families. I know it is not just young families who are in the private rental market, but from what I hear from constituents in my

region, young families are having enormous difficulty in maintaining the consistency of a home for their children because they have to move fairly regularly, whether it is every 12 months or every two years, for a range of reasons. Once their 12-month lease expires, if that landlord chooses not to renew the lease with them for a variety of reasons, then they have to go and find other accommodation.

In Geelong there is a shortage of good-quality, affordable housing. We know that access to home ownership is getting more and more difficult, so we are seeing much more of a reliance on the private rental market. I think this is a step towards providing better opportunities for private renters. It is not the complete answer — we know that — but it is part of an overall strategy to try to ensure that we are addressing some of the housing needs, particularly of those who are most disadvantaged in our communities. When we have a commonwealth government that has stepped away from housing completely and left it up to the state to deal with housing affordability, it becomes more and more difficult.

For people in my electorate it is really a significant change. It will not assist everybody, but I think it is a step in the right direction. Many people do not have a real choice about where they live or the type of home they live in. As I said, many people in my electorate — some 6000-odd — rely on the private rental market to have a home. It is not always necessarily the best home, but it is a roof over their head and enables them to provide for their children.

As I mentioned, as our population grows, if there is that complete inaction, the problem is only going to get worse. We need to look at ways of fixing the problem, and I think this is one step towards doing that. That is why *Homes for Victorians* provides a coordinated approach across government and across our state. It includes abolishing stamp duty for first home buyers on homes up to $600 000 and cutting stamp duty on homes valued up to $750 000 and doubling the first home owner grant to $20 000 in regional Victoria. In my region that is really significant for a lot of young families who are trying to get into home ownership. We know that recently applications have increased by up to 60 per cent in some areas of the Geelong region, which is really significant.

We want to create opportunity for first home buyers to co-purchase with the Victorian government. We want to make long-term leases a reality, which is part of the strategy. We also want to build and redevelop more social housing to support vulnerable Victorians while creating thousands of extra jobs in the construction industry. *Homes for Victorians* builds on existing work being done, including the soon-to-be released *Plan Melbourne 2017–2050*, reform of the Residential Tenancies Act 1997, the Better Apartments guidelines and the family violence housing blitz. It also builds on our efforts to better connect people with services and infrastructure. From schools to health care and from roads to public transport, regardless of where they live, every Victorian should have access to the things they need.

The long-term tenancy agreements for fixed terms longer than five years is a step in the right direction. The new standard tenancy agreement will be implemented in 2018. As I said, in my electorate that is quite significant for many low-income people. I know quite a number of people who are living in private rental accommodation who would absolutely love the opportunity to have an extended lease and know that their children can get through primary school or get through secondary school without having to be moved and that they do not have to face the ongoing costs of moving to another location. In Geelong people may have to move from one end of the region to another just to get accommodation. This is a step in the right direction. I think it is really important for constituents in my electorate, and I commend the bill to the house.

Ms SANDELL (Melbourne) — I will be brief on this. I know there is a bit of a tradition in this place of padding out speeches to the full 10 minutes so we do not get to the consideration-in-detail stage, but I will leave plenty of time for others to speak, or maybe we could go into consideration in detail instead.

The Greens will be supporting this bill. The Greens have called for some time for action to allow longer term tenancies — in fact to encourage longer term tenancies — to make renting fairer for the around 1 million Victorians who rent their homes. It is really good to see that we are getting some change in the right direction here. I would note that I do not often agree with the member for Brighton, but on this occasion I do agree that it is a small change that is being made in this bill. It does not quite live up to the expectation set in the second-reading speech, but nevertheless change on this is good, and some change is better than none.

Our rental system here in Victoria — in other states as well, but particularly here in Victoria — is heavily weighted towards landlords and does need significant change. My colleague the member for Prahran said to me just before that it is a rigged system, and I would agree with him. Houses in Victoria are too often prioritised as a landlord's investment rather than as a tenant's home. Everybody deserves to live in a safe,

stable home that they can call their own, and we need to change our laws to reflect that as the priority. I am hoping that this bill will actually give some security to people, that it will provide some security of tenure to tenants and will help people settle in to be part of their community. For example, it will ensure that families do not have to move every 12 months and have to take their kids out of school and uproot themselves from the community that they know. Longer term leases are really a win-win because they will also, hopefully, give some confidence and security to landlords so that they will know that their property is being cared for as a home. Longer term leases just make absolute sense.

I do have some concern about funding for community legal centres and groups like the Tenants Union of Victoria, which are the ones bearing the brunt of having to deal with the deluge of problems around tenancies that they see at the moment. They have to deal with taking action for tenants who are hard done by or on breaches of the act, but they really do not have the funding to do that. I can tell you that the Tenants Union of Victoria is totally overwhelmed; they do not have the funding to do what is necessary. Community legal centres do some of this work, but they also do not have the funding to do what is necessary.

Instead of putting $1 million into essentially a Tinder-type service to try to match landlords and tenants, which is really already happening on real estate websites, maybe the government could look at putting some of that money towards those bodies. Or if they feel that that service is needed to connect tenants and landlords who want long-term leases, they could perhaps commit additional money for the Tenants Union of Victoria, for the community legal centres or for the other services who are actually helping tenants at the moment and are totally overwhelmed.

As I said at the start, this is a good change in the right direction in terms of helping tenants have a home that they can rely on, but a lot, lot more needs to be done when it comes to updating our laws in terms of tenancies. We are seeing now that the policy of successive governments has locked out so many people from the housing market. People are finding it just impossible to buy a home at the moment, so renting is becoming their only option. We are seeing successive governments completely run down our public housing stock and not commit enough money to public housing, which means that private renting is actually the only option for a lot of people. If that is going to be the situation — I wish it was not — we actually need to update our laws to make renting fair.

There are many changes that need to happen and many changes that the Greens would like to see, including ending no-grounds evictions; giving renters the right to make minor alterations to their homes — things as simple as putting nails in the walls to hang up pictures; giving renters the right to have pets, for example; and stopping unfair rent increases. There are more, but that is just a suite of what the Greens would like to see done relatively quickly. Of course the private rental market should not be the solution for everybody. We know that it has failed a lot of people and that we just cannot keep relying on the private rental market and have the government absolve itself of providing housing for people.

We do need a significant new build of public housing in this state, similar to what we had in the 1960s. We know that it can be done. At the moment there are too many waiting on the public housing waiting list. Many people wait over 10 years for a house. I regularly look at the public housing waiting list figures. It was around 35 000 applicants, but since the community housing waiting list and the public housing waiting list have been joined I understand it is potentially over 50 000. I do not know how many of those are duplicates, but it is pretty outrageous that there are 50 000 applicants sitting there — people who simply cannot afford a home, who may be sleeping on couches or in cars or homeless on our streets. They cannot afford a home and cannot get into public housing because we simply have not invested in it for decades and decades.

Housing is the responsibility of all levels of government, but in particular the state government has many levers at its disposal. It is the state government that is responsible for public housing, and we will continue our campaign to get the government to build a lot more public housing and not do it in a way that simply hands our public land over to private developers which make a mint but provide only a very small increase in public housing stock. That is not the way to do it. The government has many, many levers at its disposal and could invest a lot more in public housing if only it had the will.

Mr RICHARDSON (Mordialloc) — It gives me pleasure to rise and speak on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. I rise to give support to this bill. I do not share the cynicism of the member for Brighton. In the last sitting week, as I recall, there were great concerns about adjourning debate on this bill. Thirteen days was just a bit too quick for them to get around, and then the member for Brighton came in here and said there are no teeth to the bill, which makes you think, 'What were they doing for 13 days, and why were those extra

24 hours they wanted the debate adjourned for so drastically needed?'.

I think this is the start of a significant bit of work that is being done on the Residential Tenancies Act 1997. This bill tries to respond to challenges in our community and our society. For 1.5 million people their story is renting. I am one of those. I have never owned property. I have rented from the south-eastern suburbs all the way to Geelong when I went to university at Deakin down at Waurn Ponds. Renting has been a part of my life; it has been a part of my wife's life. It is a part of my generation, being the youngest member in this chamber. My friends and my colleagues are renting — even the member for Kew, I think, is still renting in his community.

People in my patch are struggling to find the money to buy into their suburbs. Their parents might own, but the apartments are their story and their lifestyle, and a lot of those are rental options. Of the jobs that are created in Australia, about half of those are created in Victoria, and half of those are created in the CBD. So the notion of going and buying a house and land out on the fringes of Melbourne's suburbs is a story for some people, but for people in my community along the Frankston train line who want to remain in their local area, renting is a big option. Around 30 per cent of my community rents.

Early on in my renting story short-term leases were beneficial. If I rocked up to uni for my contact hours, a year's lease was probably enough for me with where I would be. I was in West Geelong and in Belmont, and I moved around for a couple of years. But now, after starting a family and settling down, having a young bubby, the need for certainty for my family, like the need for certainty for so many families in the Mordialloc electorate, is very important.

One of our fantastic local schools, Parkdale Secondary College, has a zone. If your children are fortunate enough to go to Parkdale Secondary College, you want the certainty that you will be in the area for that period of time. If you are able to come to terms with the landlord in that agreement and are able to secure a long-term lease with reasonable conditions and with the protections under the Residential Tenancies Act, then that might be a circumstance that is best for you and your family. If you then have to move and you might have multiple children going through a particular school because you have had a long-term agreement that has suddenly ended, you may potentially not be able to afford to rent back into your community given the demand for rental properties is so substantial. Just the other day we looked at a place up the road in Aspendale Gardens, and about 15 different sets of families rocked up. If you are competing for that and you have just been told you have got a month to vacate and are desperate for that certainty and security, then that is a very big challenge for you.

The other big thing that was touched on briefly by a couple of members is that the security of a long-term lease or long-term renting is really important when you have got pets. Depending on the animals you might have — and I have got a couple of dogs — not all landlords will think it appropriate to have pets, but luckily my landlord does. We have been in our property for a number of years and been fortunate enough to be there for some time, but if we were to move, and be going up against those 15 applicants in Aspendale Gardens and were seen as less desirable because we have a couple of pets, then we would really be at a crossroads of how we were going to manage and support our family, our pets and our obligations.

I have read with concern that the pressure on supporting pets and animals is of great concern to the tenants union, and I share those concerns in my own personal experience if you have to relocate and are not able to take your pets with you or able to find a solution. So a long-term lease where a tenant and a landlord are able to come to an agreement, with the security that is similar to the arrangement I have in my personal circumstances, is really important.

In my area I think of the surge in property prices — some $400 000 increase in the median price in Chelsea. It has gone towards $1 million, and it was around $600 000 only a few years ago. Buying into my electorate is becoming harder and harder for people, and people are being priced out. Longer term leases in that situation certainly could be the answer for a number of people.

This is part of a long-term review of the Residential Tenancies Act that started back in 2015, and I know that options are being worked through at the moment and being consulted on and discussed. It is hard to find the balance between the needs and obligations of landlords and also the protection of tenants, and that work continues, but it is part of our broader work to make housing safer and more certain for people and to make sure that people have a roof over their heads. It goes hand in glove with some of our support for first home buyers with the abolishment of stamp duty — a very important policy locally for some of the developments that are happening in my area and some of the people who are buying into some of the subdivisions and apartments in my local community. That gives people the opportunity to potentially

consider getting into the property market where they have not before.

So there are a range of works that the government is doing that we can control, but I have to say that the federal government also has to show leadership in this space. There is only so much that the states can do, and I think some of the reforms we are doing and some of the investments we are making are really the maximum effort that we can put out. The federal government needs to show leadership. It needs to look at negative gearing. It needs to talk about broader affordability. It is not just enough for the federal Treasurer to say it is all the states' fault and step back; there are obligations that the federal government also needs to meet the states on. So it is a broader tranche of work.

I think longer term leasing gives certainty to our communities, gives people options. I think something that was implied by those opposite was that this is mandatory, but it is an option for people and their circumstances. Some of the market research suggests that 50 per cent of landlords expressed an interest in longer term tenancy agreements, as did 25 per cent of tenants. That is a significant amount of the 30 per cent of people in my community and my electorate who rely on renting. So I look forward to the consideration-in-detail stage of this bill and a broader discussion of some of these important provisions, which would give landlords and renters more certainty.

Ms VICTORIA (Bayswater) — I too rise to make a contribution on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. I note at the outset that this is a bit of a nothing bill. Essentially it provides for residential leases for people who want something over five years. I say it is a bit of a nothing bill because the Real Estate Institute of Victoria (REIV) has circulated numbers from a survey that it put out in which it asked renters how many of them wanted a lease of over five years. They were asked about all sorts of different things in various surveys, including what it was that troubled them and why they wanted shorter or longer leases. It came down to the fact that less than 3 per cent of renters who responded wanted a lease or the possibility of a lease of over five years. So I look at this and think: I have never in 11 years of being in this place been spoken to, emailed or lobbied in the street by people saying, 'I want a longer term lease'.

I understand people want surety. I understand landlords may want surety. I am a landlady. I would love people to stay in my place longer, but you also want the appropriate checks and balances in place. Not everybody actually wants a longer lease. A lot of people are not sure whether they are going to have a job next week, next month or next year, and if they take on a lease in a long-term rental situation that they do not know whether they can service, they are actually going to be putting themselves under more stress. The thing that they say they are most stressed about now is actually the rising cost of living — things like power bills, things like the cost of groceries. All the sorts of costs that are going up stress them far more than whether or not they have an ongoing lease. Of course if they are a good tenant, no landlord or landlady is going to throw them out, unless of course the property is being sold, but then that is a different situation. But if you have a good tenant in a property, you keep them. They are gold. So I am not quite sure that we actually need this.

The thing people have been to see me about over the last few years is short-term leases and what happens at short-term rental properties. If we take Airbnb — and I am not saying that they are the only people out there, but most people know what Airbnb is — and look at what they are doing, for example, at a building in the Docklands. There are owner-occupiers who want amenity in their building. They want peace and quiet. They want to know that there are not going to be people running up and down the hallway, perhaps coming out of a pool in bikinis or perhaps even with nothing on. They want to know that people who are staying in their building are going to treat it with the same respect that those who own and occupy do.

What people have been coming to me and saying is that they want security in relation to the type of short-term tenants that may be staying. They have not been talking about long-term leases at all. So I look at that and I think: what could have been done in this bill? Could it have looked at short and long-term leases, with the long-term leases just being a very small part of this rather than being the substantive part of it?

There are extra conditions that the bill is putting in place that some people might find onerous and that may lead to a reduction in availability and an increase in prices. When this goes through — and I have no doubt that it will go through, as we are not opposing it — that is something we will watch with great interest and obviously tweak if it is creating issues later down the track. Again this might be something that we only get to find out over the next four or five years.

If we have a look at what currently happens in a lease — and I have been on both sides of this, as I have been a tenant as well — three or four times a year the landlord or an agent from the agency that the property is rented through will come through and make sure that the property is being well looked after. That is great.

Then at the end of the year obviously an assessment is made as to whether the landlord wants to keep those people on. As I said, if they are there and they are doing the right thing, then they are gold. We do not necessarily need a five-year lease to be able to say that that is on.

I saw something in the newspaper saying there was a young family who had been in a rental property and were moved every year for four or five years. I looked at that situation and at what happens around Bayswater, and I thought that was not actually normal. If they were good tenants, why would they be moved on? If the property is being sold, again that is a different situation, but if they are good tenants, why would they be moved on by a landlord? There are additional costs in cleaning, in advertising, in reletting fees and all those sorts of things. So there is always more to a story than what meets the eye.

If we have a look again at what I think this bill should be about, which is short-term rental leases, I think what we need to do is make sure that the sharing economy is actually respectful of everybody. I would love to see really good legislation come before the house. I have spoken to the people who are involved in tourism who obviously benefit from having lots of short-stay availability in this city, especially in the city. It is a bit like what we have just been through with the whole Uber and taxi and hire car situation. The same sort of thing applies when it comes to the sharing economy, and we are talking about short-term rental — that it is not a level playing field at this point in time.

For example, if you talk to a hotel owner, whether it be a 3-star or a 5-star hotel, they will say the same thing — that compliance is very expensive. They have got to have sprinkler systems and those systems have got to be tested weekly. There are occupational health and safety compliance things that they need to go through, and again they are dealt with on a weekly basis. There are constant inspections by council, by tourism bodies and by all sorts of different people who all have their say in star ratings and whether a hotelier is compliant, and the list goes on and on and on. They spend a good deal of their time administering the business rather than growing the business. Then you see those — if we take Airbnb again — who might be doing, for example, a one-room rental. That is fine. That might be a little bit of extra income for them. We know that that goes through the books, so they do have to pay tax. I do not have an issue with that.

But there are those — if we look at again, say, somewhere like the Docklands — where there might be a person as an unofficial managing agent and they might actually be looking after 30 or 40 apartments in some buildings. I know this happens a lot in Queensland, and they have sinking funds and that type of thing, such as management fees. It happens a lot in holiday rental. But I do not know that that is the market here in Melbourne. So I think what the government could have done with this bill is look at the absolute need, not what they are saying is a need. I suppose the minister has to bring something to the house, but it does not address the real need that people are coming to us as MPs for.

If only 3 per cent of people who are surveyed by the REIV are saying, 'Yes, this is a good idea, we think we'd like leases for longer than five years', surely that is something that can be negotiated between the agent or the landlord and the tenant, with a renegotiation of the lease after the five years. But what people are really talking about is the surety of the short-term lease, of the amenity within their building, and I would really much prefer that we were standing here today talking about what is affecting people's lives and what we could be doing to make sure that there is safety. If you look at the Grenfell Tower in London, they are saying that there were so many people in there that they did not know about. They will never actually know what the body count is. They will never actually know how many people died. That is the sort of thing I think we should be looking at: how do we avoid that sort of situation? Again, if there were some sort of regulation around short-term leases, then I think we would be using the Parliament's time far more constructively.

We are not going to stand in the way of this bill, but I do think that it is not necessarily the one on which we could have been spending Parliament's time actually making a great difference to the future of our state.

Ms HALFPENNY (Thomastown) — I also rise to speak in support of the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. I think we should see this bill as yet another great step in the right direction in terms of providing secure housing and affordable housing and as one aspect of many changes and many things that this state Labor government has implemented to make sure that people have a roof over their head and are able to live in a secure place.

In terms of the actual bill itself, this will deliver on the Labor government's commitment to make renting more secure and stable by reviewing the Residential Tenancies Act 1997. It is part of the plan for fairer, safer housing, and it is an important part of our commitment to ensure that people who rent have a more secure and stable housing situation. It also allows

of course for landlords to enter into longer agreements so that they also have a steady income flow and they know in terms of their investment what is going on for up to five years.

I think one of the things that we often forget when we are talking about bills and what they mean is what they mean to people, and in this case, for people living in a house, it is not just a house; it is a home. It is a place where people raise their families and a place to build their life, especially in the case of young families, and it is so important to have stability in where you live. We all know, if we have ever had to change our children from one school to another, for example, that can be a very disruptive and stressful time for children. The legislation will allow for those people that are renting to be able to enter into five-year and longer-term lease agreements so that they know that they will be able to stay in the place that they are living in the long term.

In the current environment, where we know that housing affordability is a big problem and fewer and fewer people are able to buy their own home, where more people are not actually choosing to rent but are being forced to rent because they cannot afford to buy their own home, we need to make sure that our laws give the best protection to ensure that people can still have a life that is secure even though they are renting. We know that in other countries there are much stronger laws around residential tenancy and there are also more people that do rent, but they have better protections than people do currently in Australia.

So this of course is a step towards making a more secure situation for people that rent but also allowing landlords to be part of that solution in terms of them having a steady income from their place because of the longer term lease. Of course there are also disruptions for landlords with tenants on shorter leases wanting to leave earlier. They need to then advertise and organise to get other people in. So it is really good if there is a commitment from both landlord and tenant to have a longer lease of up to five years — if both parties are happy with that and it works well.

Research shows that almost 40 per cent of private renters have had to move house up to four times in five years. I personally know of a number of residents — constituents in the Thomastown electorate — who have moved many, many times because the landlord has sought for them to relocate, basically. This does not necessarily have anything to do with whether they are good tenants or not, but there are just circumstances which mean the person may be required to move. Perhaps there are extra demands put on the tenant or the rising costs of rent are such that they just cannot afford to stay in that home and they have to leave and move somewhere else.

Again in these instances of upheaval, particularly when tenants have got children, we should be doing whatever we can to make sure people are able to keep living in the same home if they wish to. That of course is much more preferable for their children and for them if they have chosen to live in a particular area and want to stay there and get used to the facilities that are in the area.

I think we should see this legislation again as part of an overall situation where the Labor government is doing a whole lot of things to help people put a roof over their heads, whether it is the abolishment of stamp duty for first home buyers up to $600 000 or cuts to stamp duty on homes up to $750 000. The home owners grant has been doubled for those in regional Victoria, and also there are new suburbs being created. So this shows that the Andrews Labor government is very serious and very strong in this commitment that people should have a good, secure place to live. This legislation provides yet another part of the many changes we are making to ensure that people in Victoria are happy with where they live and content where they live and have secure housing options.

Mr CRISP (Mildura) — I rise to make a contribution on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. The purpose of the bill is to amend the Residential Tenancies Act 1997 to provide for tenancy agreements for a fixed term of more than five years and to make some other amendments.

The main provisions within this bill are contained in a number of clauses. Clause 4 inserts a definition of a standard form tenancy agreement into the act. Clause 5 repeals section 6 of the act, which excludes the application of the act to tenancy agreements for a fixed term of more than five years. Clause 6 amends section 26 of the act, which relates to the requirement that written tenancy agreements be in a standard form. Clause 7 inserts new section 26A, which relates to prescribed prohibited terms in tenancy agreements for a fixed term of more than five years.

New section 34A provides that an additional amount of bond may be required by a landlord under a tenancy agreement for a fixed term of more than five years. New section 209AA provides that if a party to a fixed-term tenancy agreement for more than five years has breached a term of the tenancy agreement, the other party may apply to VCAT for compensation. Clause 16 inserts new section 237A, which provides that if a tenancy

agreement for a fixed term of more than five years does not comply with the requirements of new section 26A(1) that it be in writing and in the prescribed standard form, the tenant may give the landlord notice of intention to vacate on a termination date of not less than 28 days after the date on which the notice was given.

I think that this is a little bit about symbolism rather than actually dealing with some of the issues that are there. I do note that when Consumer Affairs Victoria undertook a survey in 2016, only 3 per cent of tenants wanted a lease of more than five years. In fact most wanted a lease of less than two years, so what are we trying to do here? That is why this has a little bit of a whiff of symbolism: we may have a housing issue and we may have some affordability issues, so we need to do something. That is what I am worried about — that this is about doing something without really achieving anything.

In my electorate, when tenants come through my electorate office door with issues, it is not the length of leases that is of concern to them; their concern is around cost of living, and it has been very much so in the last year. We now have the electricity retailers on speed dial in our offices because people are coming in who are struggling with their power bills. So having a longer lease is not going to help them much with that at all, particularly with those power prices that are far higher. We have come off a winter that in some respects was milder but in other respects was more severe. There were a heck of a lot more coughs, colds and flu around this winter, so therefore people have been warming their houses to try to fend off the winter ills or at least aid their recovery from the winter ills. Thus they have got a power bill that they were not expecting and, in many cases, simply cannot pay. That is really becoming a large volume of work through my office. I think the effort that people would want is to lower the cost of living rather than lengthen the life of their tenancy leases.

I am also concerned that this summer we will see our shopping centre benches full of people sitting on them who cannot afford air conditioning at home for various reasons. This too has an impact on their quality of life, but perhaps they can be assured that the shopping centres all have backup generators so at least the air conditioning will stay on during the heatwaves, which is a concern in my area, as it is in many others.

When we have a long heatwave, everything gets stressed at the end, including our power system, and of course people will be concerned about just affording that power to keep their houses cool. You will start to find that this impacts on our health system as it bumps along. For people whose health is a bit frailer, if they are not kept warm in winter and comfortable in summer, then they will turn up at the most expensive accommodation we have in our communities — that is, our hospitals. This will again add costs to the state, and it boils back down to that cost of living. It would be better to address that rather than those longer leases, particularly when we do not have that demand for those longer leases.

Also, you then get into those awkward issues about negotiating between landlords and tenants what is a suitable term of lease, because there are two parties involved. If the two parties involved want to go for a lease longer than five years, so be it, but I would think that a lot of people would not be that anxious to make a commitment on either side of a tenancy arrangement for longer than five years, and history has shown that. It is a big commitment if you are a tenant to say you are going to be there for five years. Equally it is a big commitment for a landlord to say that they are prepared to go greater than five years as well. I think that will cause some issues.

Of course VCAT are already overloaded. Making work for VCAT is something that I am sure they do not desire this Parliament or anyone to do. They seem too busy with so many things, and getting any sort of issue resolved quickly at VCAT is now quite problematic.

That, I think, brings us back to where we began. It would be really great if this was going to make a difference to a great deal of people's lives, but I am concerned, particularly in my electorate, that it is not going to, because it is just not going to address some of those key issues that are front of mind with those who are renting in Mildura and those who are landlords in Mildura. I will leave those comments there. Perhaps sometime soon we will do something that is of real value to both tenants and landlords.

Mr PEARSON (Essendon) — I am conscious the hour is getting late. I know the opposition wants to take this bill into consideration in detail, so I will not make my usual, lengthy and robust contribution on such an important piece of legislation. I will try and ensure that brevity is the topic of the hour.

There are a few comments I would like to make about this bill. I listened to the member for Lowan's contribution earlier. I think what we are looking at at the moment is that the market is changing. Once upon a time renting was seen as a vehicle for people who were young, who were new or who were starting out before they got their own home, or people who were working in low-paying jobs and were vulnerable. As a consequence of that you had probably a greater

propensity to have short-term leases. What we are seeing now, though, is that the market is changing quite rapidly, and the regulatory framework needs to respond to that.

A case in point, for example, is the notion of 'build to rent'. What we are seeing now increasingly is that property developers will line up with industry funds or investors to not just build and sell apartments or dwellings but to build them, to hold them and to rent them out. That is what we are moving towards, and therefore you need to have a greater level of flexibility in the regulatory framework to enable that to occur. Sadly, I fear that we are increasingly becoming a nation of landlords and serfs, and if that is where we are headed, then we must make sure that the regulatory framework is appropriate and in place to protect the rights of tenants.

I listened to the member for Melbourne's contribution from my office, and I note that the member for Melbourne has plagiarised, I think, comments made by the federal member for Melbourne in relation to the fact that we need to have a 1960s-style public housing building boom. It is an interesting comment made by both the federal member for Melbourne and the state member for Melbourne because when that occurred in the 1960s you had public servants coming into so-called slums, decrying that those areas needed to be evacuated. People were forcibly removed from their homes. There was no consultation or discussion. The areas were flattened and large-scale developments were put in their place. This subsequently became the subject of a royal commission into the land deals.

What I would ask the member for Melbourne is: are you proposing that you want to have wide swathes of inner Melbourne compulsorily acquired by the Department of Health and Human Services for the express purpose of having large-scale public housing developments? Is that what you are saying, or is what you are saying that we need to basically put all these public housing tenants out on the fringes in greenfield estates, far away from economic activity and far away from transport linkages? 'We want to look after public housing tenants, but we just don't want to live with them' — is that what the member is saying? Because I am confused. You cannot have it both ways. If you are talking about having a boom like we saw in the 1950s and 1960s, that is exactly where you are headed.

The bill is important because we just need to make sure that we provide that level of safety and security for tenants. I accept that there will be some tenants who will be quite happy to have short-term leases, and that is fair and reasonable, but this is about giving tenants the option. It is about giving landlords the option. If they wish to enter into a long-term leasing arrangement or agreement with a tenant, then they can do so. We absolutely must make sure that we try and provide and enshrine those rights of tenants and give tenants the protections that they require, given the uncertainties in which we are living. The economy is changing. Society is changing. It is vitally important that we ensure that tenants have got those rights and that they are protected.

Finally, I do want to say that I am really pleased and proud of some of the work that is happening across some of the public housing estates. Broadacre public housing estates are exercises in failure. Concentrating disadvantage into a small area does not lead to good social outcomes for tenants or the surrounding community. The rebuild of public housing estates, like what is going to happen in Flemington and Ascot Vale, and in Brighton and in Hawthorn and in Heidelberg, is going to be fantastic because it is going to ensure that we can create mixed communities between the private owner, the private tenant and the public housing tenant. That is good public policy.

Mr Watt interjected.

Mr PEARSON — Condemning people to disadvantage and economic dislocation for the perpetuity of their lives and the lives of their children is appalling social policy, and I am not surprised that it would be supported by the member for Burwood.

Mr WATT (Burwood) — I rise to speak on the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017. I rise to speak on this bill as somebody who has been both a tenant and a landlord, and for the member for Essendon's interest, as someone who has also been a public housing tenant. I find his comments around public housing quite interesting — he wants to cast aspersions on me, as a member of Parliament who has been a tenant in public housing. But nonetheless this bill is not about public housing.

What I would say is that this bill is nothing more than window dressing — nothing more than the government coming up with a brainwave and saying, 'We've got no idea what to do, so let's think of a slogan. And then after we have a slogan, let's think about a marketing plan. And after we've done a marketing plan, how do we introduce some legislation that actually fits with it?'. At the end of the day, there is nothing currently prohibiting a person from entering into a contract of more than five years to live in a property that is owned by somebody else. Others can get up and tell me I am wrong, and I am happy to be told that I am wrong, but to my knowledge there is currently nothing stopping me

from entering into a contract to live in a place owned by another person — nothing.

This bill is not about providing opportunity and choice. It is not about providing people with the ability to enter into a contract for more than five years. The member for Essendon said, 'This will introduce flexibility'. Let me tell the member for Essendon: more legislation and more regulation does not introduce flexibility; it actually reduces flexibility. Introducing more legislation and more regulation makes it worse for people. It actually makes it more difficult for people, and it actually means that prices will go up. Rents will go up if you force people to allow for five-year leases or more. And we are not doing that — we are not even saying that people have the right to go to their landlord and say, 'I want a five-year lease. Sign me up — you've got no choice'. This will still be a choice, and what we have heard from other members is that 3 per cent of people might consider entering into a five-year lease — might. But that does not mean the landlord will want to enter into a five-year lease. As a landlord, I would not have wanted to enter into a five-year lease. As a tenant I would not enter into a five-year lease.

An example that we have heard from members opposite, and particularly the example that I heard from the Premier, was of somebody who was struggling because they had moved four times in five years. Well, currently if they can find a landlord that wants to enter into a five-year lease, they can enter into a five-year lease. It is already there. They could enter into a five-year contract to stay in a place owned by another person for more than five years. No, it would not be covered by the Residential Tenancies Act 1997 — I accept that — but it is still a contract, and they could still enforce the clauses in the contract through legal mechanisms. They could also take what is essentially a lease and make that a contract — put in a term that is more than five years — and it would still be a contract. They would still have the capacity through the law to enforce that contract. So the concept that we are introducing leases of more than five years is rubbish. It is rubbish! All you are doing is bringing those in to be covered by the act, which will mean that if a person wants to enter into a contract for more than five years, it will actually cost more money. More regulation and more legislation equals more cost and less flexibility. It is tripe!

I do not know, when I listen to contributions from members opposite, whether they actually understand and grasp this or whether they have just been fed their lines. I know what it is like sometimes when you are a member of Parliament, particularly when you are a member of the government, and you are given your speaking notes. They say, 'This is what we're doing today. Say this'. Sometimes you look at it and you go, 'That actually sounds like crap. It actually sounds like it's not true. It sounds like a bit of spin'. Well, you know what? It is; it is spin. It actually is not going to help tenants, and it is not going to help people in the rental market. It is actually not going to make it easier for people to get into the rental market. It is not going to make it easier for people to have a five-year lease or more. It is not going to help long-term tenants — it is not.

I am currently entered into a lease that is longer than 12 months. It is possible. But if somebody is coming to the government and saying that they have had to move four times in five years, that is not going to be solved by this long-term lease provision, because none of the landlords that they sign up with would want a five-year lease — or more. If they did, they might already have entered into a five-year lease.

It is not as though we are talking about somebody who entered into a five-year lease and then got thrown out and is upset about the fact that they could not enter into a longer lease. I have not seen those examples. If members opposite have those examples, please bring them forward. I am happy to hear them. I have not heard those examples. I have not heard examples of people that have entered into an agreement to stay in a place owned by somebody else for more than five years who are saying, 'I've got this contract, and I need to be included in the Residential Tenancies Act because my current contract doesn't work for me and I need the protections of the Residential Tenancies Act'. I am not hearing those examples. If there are examples like that, please jump up and give me those examples. I am happy to hear them. I have not heard them yet.

I have concerns when I read the act. The current act states:

> ***26. Tenancy agreements to be in standard form***
>
> (1) If a tenancy agreement is in writing, it must be in the prescribed standard form.

This is in the current act. It goes on:

> (2) A landlord or tenant must not prepare or authorise the preparation of a tenancy agreement in writing in a form that is not in the prescribed standard form.

There is a penalty of 5 penalty units. The act goes on:

> (3) A failure to comply with this section does not make the tenancy agreement illegal, invalid or unenforceable.

Interestingly enough I could enter into a tenancy agreement and it would still be enforceable — I would

just have to pay the 5 penalty units. The tenant would also have to pay the 5 penalty units. But apparently it is still illegal. It is not invalid and it is still enforceable. So as long as I am prepared to pay the fee, I can enter into a contract for a lease which is not in the prescribed form. Both the tenant and I would have to pay the fee. If I was a landlord, I might actually cover the tenants fee as well. Why not? That is if we get caught, because if we do not get caught, there is no fee.

But the reason I raise that is because if you go to clause 16, it talks about inserting section 237A, which states:

> Tenancy agreement for a fixed term of more than 5 years does not comply with standard form
>
> (1) This section applies if a tenancy agreement for a fixed term of more than 5 years does not comply with section 26(1A).

Keeping in mind that we know that section 26(1A) is about an agreement being in writing, the point I make is that it appears to me that this is retrospective. I am happy for others to correct me, but it appears to be retrospective inasmuch as new section 237A(2) states:

> Despite any term of the tenancy agreement to the contrary, the tenant may give the landlord a notice of intention to vacate the rented premises.

Further, new section 237A(3) states:

> The notice under subsection (2) must specify a termination date that is not less than 28 days after the date on which the notice is given.

If I have a contract which is not in the prescribed form, I am just a little concerned — I do not know whether this is the case and I am happy to hear that it is not — that it would apply to a contract that was entered into prior to the legislation passing. So I may have a contract with somebody to rent a property which is for more than five years, and it appears to me — and I am not sure whether that is the case but I would love to hear that it is not — that this would apply to a contract that had already been signed prior to the passing of this bill and would alter that contract. That is in and of itself retrospectivity.

I am concerned because I do not believe that as a Parliament we should be introducing retrospectivity into any bill without being very specific as to why and what the effect would be, and being very clear that we are being retrospective — very clear that we intend it to be respective, and very clear that there is a reason for the retrospectivity. If I am wrong, I would love the minister to jump up and tell me I am wrong — or the member for Broadmeadows, who seems very eager to jump to his feet. I am happy to be wrong, but I am concerned.

Mr McGUIRE (Broadmeadows) — To the member who is happy to be wrong, what can I say? It reminds me of the great Scottish bard, Robert Burns. Do members remember the line, 'Rab the Ranter, tore his hair and cursed himself in his despair'?

Let me address what is in the bill. It might be a new proposition about the difference between logic and ranting and the facts. The substantive reform is that for the first time the bill will enable landlords and tenants to agree to enter into tenancy agreements of greater than five years, which will be the subject of the protections of the Residential Tenancies Act 1997. This is something that has come out of the government housing affordability strategy *Homes for Victorians*. It is noted that many Victorians want the certainty of a longer term lease. Although short-term leases are currently the norm in Victoria, more than one in five renters have been in their home for more than five years.

This is the critical point: people are looking for greater certainty. We know that from intuition and experience, and it is backed up by Consumer Affairs Victoria and their market research for the review they did before the act. They found that interest from landlords and tenants is in longer term fixed tenancies, noting the critical point about certainty.

We know this is even more critical at this time when we are facing rising prices for homes and we are facing a generational issue of younger people finding it incredibly difficult to get into the home owners market — the great Australian dream. This government is addressing this issue on a whole range of perspectives.

I note one of the earlier contributions. The member for Essendon was talking about affordable housing, and this is something that I have put forward in the *Creating Opportunity: Postcodes of Hope* strategy, that there is a great area which is only 16 minutes from the heart of the world's most liveable city. It has blue-chip infrastructure, two train lines in and a spur into the Ford site. The Andrews government is widening the Tullamarine Freeway, it has got a ring-road and it has got the curfew-free international airport at the back door.

You do not have to be like the Prime Minister, going to western Sydney and saying, 'Here's $5 billion and we will build it ourselves'. We already have it. We can aggregate these assets and opportunities. It also has 2000 of the old housing commission homes that were built in the 1950s. There are 13 square homes on almost a quarter of an acre block. We have the opportunity, I think, to unlock the value of that, to provide an opportunity for first home buyers and give them their chance. We can change the mix of the

population with new industries, and we can design a 21st-century community.

We know that mythical proposition that is talked about in politics from the national level to the state level, the 30-minute city. Well, it exists. It has a name — it is called Broadmeadows. This is the area that can be the heart and the hub for all of Melbourne's north. Why would we do that? Because it is four times the population of Geelong, and within two decades it will be the same as the current population of Adelaide. So that is the proposition that we have.

Ms Couzens interjected.

Mr McGUIRE — I defer to the member for Geelong. Of course Geelong is a great place and it offers a whole other proposition, but I am saying there is also Melbourne's north as well. We should not have the managed decline from the federal government as we go through deindustrialisation. I have found an unspent $1.324 billion out of the last budget in Senate estimates. We just want our fair share — that is all we have ever asked for, and that is all I have ever asked for as the member for Broadmeadows and for Melbourne's north.

Ms Couzens interjected.

Mr McGUIRE — It is good to hear that the member for Geelong is happy to share. She is a sharing and caring person, and that is well regarded. I want to keep the contribution tight because we are going to go into consideration in detail. So with that, I commend the bill to the house and say, let us actually see how we can keep developing these strategies for more affordable housing and give people the chance to be part of the great Australian dream.

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Ms KEALY (Lowan) — In relation to clause 1, current legislation for other tenancies in relation to bond moneys is one calendar month's rent when the rent is less than $350 per week, and at the owner's discretion when greater than $350 per week. The proposed bond at $350 per week would be $350 by four weeks, which is $1400, when in a current 12-month tenancy agreement the expected bond amount would be $1521. Why is the bond capped at the equivalent of four weeks rent for long-term leases?

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) — I thank the member for her question. It is commonly accepted that the existing rental cap in section 31 of the Residential Tenancies Act 1997 is low and has become out of date. This is a matter the government is currently looking at adjusting as part of the broader review of the Residential Tenancies Act. In the meantime there is a power in the act to enable a higher weekly rental bond cap to be prescribed that will apply to long-term agreements pending implementation of the reforms flowing from the wider review.

Ms KEALY — Again in relation to clause 1, there is no consideration in the legislation to allow for rent reviews, the sale of property, early termination by either party or a change in circumstances for either stakeholder. I have a couple of questions in relation to this. Will rent arrears be covered under existing section 246 of the act, and will landlords be able to serve a 14-day notice when a tenant falls into arrears?

Further to that, why would a landlord choose a five-year lease option when the bond amount is lower and there is less security for them, there is no prescribed lease agreement to use with adequate protections, and further neither party has appropriate exit options available?

Ms KAIROUZ — I again thank the member for her question. In terms of why tenants or landlords wish to look at a longer term lease, that is certainly something that has come up as part of the review of the Residential Tenancies Act. Everything else in the act has not changed — it is actually what is in the act at the moment — and the longer term leases, all the rules, all the laws are currently underpinned by the act.

Clause agreed to; clauses 2 to 6 agreed to.

Clause 7

Ms KEALY — Deputy Speaker, thank you very much for your tolerance with two new people at the table who have never done consideration in detail in these positions before. Thank you very much for guiding us through this process.

In relation to clause 7, what are the prescribed prohibited terms that new section 26A is referring to? Can you provide some specific examples, and if no example is available, why has this clause been included in the bill?

Ms KAIROUZ — Thank you for your question. The government does not have a list of items that it intends to prescribe as prohibited terms at this time. The power to prescribe prohibited terms is a reserved power that will

enable a term to be prescribed by regulation to be a prohibited term that cannot be included in the tenancy agreement for a fixed term of more than five years. If market experience shows evidence of the inclusion of terms in tenancy agreements for a fixed term of more than five years that are exploitative or unconscionable, the government may make a determination to prescribe those terms as prohibited terms.

The New South Wales Residential Tenancies Act 2010 lists a number of terms as prohibited terms that cannot be included in a tenancy agreement and also includes a power to prescribe additional terms as prohibited. Prohibited terms under the New South Wales act include a requirement that a tenant have the carpet professionally cleaned at the end of the tenancy unless the landlord of course has allowed the tenants to have a pet on the premises, as is a term requiring a tenant to take out any specified form of insurance. Another prohibited term is a term exempting a landlord from liability for any act or omission by the landlord, their agent or their contractor.

Ms KEALY — I thank the minister for her response. In regard to prescribed prohibited terms, I have received a lot of feedback about concern by landlords that this may preclude them from being able to manage their property appropriately. Specifically there has been a concern that this could, by the stroke of a pen, include such terms as the tenant not having to seek approval from the landlord for non-structural modifications to the premises. That may include somebody painting the internals or externals of the house hot pink. If there is no prescribed prohibited term in relation to not making any modifications without the landlord's express permission and having to return the premises to the condition in which they received tenancy of that property, the landlord could in fact end up having to foot a huge bill and pay for extensive repairs to bring the property back to a rentable condition when that tenant leaves the property.

Also looking at prescribed prohibited terms, they may include structural modifications. It may include taking out a wall or putting a door in where there was not one before. There is also the question about pets and whether the landlord will still be able to have a term in there that does not allow pets in a premises. If there is a prohibited term to not have pets, it removes that landlord's right. Of course they cannot then also include other aspects which the minister referred to like the cleaning of carpets, if there has been a pet, or de-fleaing the house — things for which I suspect the landlord would then have to build additional costs into the rental price. That is then going to push up rental prices, often for those people who can least afford it. So my question is: can you guarantee that landlords will not lose the right to object to pets, non-structural modifications, smoking on premises and structural modifications?

Ms KAIROUZ — Thank you very much for your question. Currently the law that applies to all landlords and tenants is under the current Residential Tenancies Act 1997. We have got no intention to change any of those laws.

Mr CLARK (Box Hill) — I raise a further issue flowing on from the point raised by the member for Lowan — that is, how is it intended that this new section 26A will operate if a prescribed prohibited term is laid down in future? The first part of the proposed section 26A is that a landlord or tenant must not prepare or authorise a tenancy agreement that contains a prescribed prohibited term. That is understood. But the proposed subsection (2) says if a tenancy agreement contains a prescribed and prohibited term, that term is void and unenforceable in relation to a fixed term of more than five years. The question is: what happens if a term is prescribed and prohibited while the lease is on foot but after it has been entered into? I assume it is not the government's intention that a term that has been entered into prior to it being prescribed becomes void and unenforceable from the point at which it is prescribed. I ask if the minister is able to provide that commitment either now or between houses.

Ms KAIROUZ — I thank the member for his question. The term would be void and unenforceable only from the time that it is prescribed.

Mr CLARK — I am sorry to press the minister on this. Her answer seems to imply that if there was a term in a lease that was made a prescribed prohibited term after the lease had been entered into, from that point on that term would be void and unenforceable. That means that while it would not have retroactive operation, it would mean that a lease that had been entered into on a set of terms would have one of those terms struck down at the point at which it was made prescribed and prohibited, which seems to have an effect on lease contracts that have already been entered into. I am not sure that is what the minister intended to say, but I think it is quite an important point. So if the minister could clarify that one way or the other, I would be grateful.

Ms KAIROUZ — Thank you very much for raising that question. I would be happy to provide greater clarification to the member between now and the bill's introduction into the Legislative Council.

Clause agreed to; clauses 8 and 9 agreed to.

Clause 10

Ms KEALY — Minister, I have a couple of questions in regard to clause 10. Proposed section 34A(2) states that the landlord must give 120 days written notice to increase the bond, which can only be asked for after the expiry of five years. This means that landlords will have to wait until the expiry of the five-year term to obtain the increased bond money. The rent then increases, and at that time the tenant can dispute the increase in bond payment, claiming financial hardship. Could a tenant claim financial hardship due to the rental increase, which would then provide a barrier to the landlord being able to apply an increased bond?

Ms KAIROUZ — Thank you for the question. The earliest the landlord could give the tenant notice would be 120 days prior to the expiration of the first five years of the agreement. There is no obligation on the landlord to give notice exactly at the end of the first five-year term. They could give notice after the first five-year period has expired. In terms of your question regarding hardship, that is not a consideration if it is part of the rental review or the annual rental increase; however, they need to take into consideration the rental market.

Ms KEALY — I thank the minister for her response. In relation to financial hardship, I refer to section 34B, 'Tenant may apply to VCAT to vary additional amount of bond', which states:

> (2) VCAT may make any order that VCAT considers appropriate if satisfied that not making an order would result in severe hardship for the tenant.

Thus an increase in rent could mean the tenant will experience financial hardship and therefore an additional amount of bond may not be applied. I would ask the minister to consider the question in terms of an application to VCAT for the increase in bond to be rejected as opposed to the tenant seeking to relocate to an alternate premises to test the rental market, as she said in her response.

Ms KAIROUZ — Thank you again for your question. Where a tenant believes that paying the additional amount of bond will cause them severe hardship, new section 34B will allow them to apply to VCAT, as you have mentioned. If VCAT agrees that having to pay the additional bond within 120 days will cause severe hardship to the tenant, VCAT will be able to make the order it thinks appropriate. These orders could include allowing the tenant additional time to pay the required amount, allowing the tenant to pay the additional amount by way of instalments or ruling that the tenant is not required to pay any additional amount of bond, and this can all be determined by orders given by VCAT. Severe hardship is not a new concept in the act. VCAT already considers severe hardship when an application is made to shorten the length of a fixed-term tenancy agreement, and hardship is considered on a case-by-case basis.

Clause agreed to; clauses 11 to 15 agreed to.

Clause 16

Ms KEALY — Minister, clause 16 refers to a prescribed standard form; however, two prescribed standard forms will be available, one for less than five years and one for greater than five years. If either of the prescribed standard forms can be used for long-term leases, why even develop a prescribed standard form for long-term leases? Why not just have the one universal form? Further to that, my understanding is that the prescribed standard form is not available. It was not able to be supplied to me, because the prescribed standard form has not been drafted yet. When will this prescribed standard form be circulated to key stakeholders for comment?

Ms KAIROUZ — Thank you very much for your question once again. This is about giving landlords and tenants a choice. They can continue to use the existing prescribed form currently used for tenancy agreements for a term of no more than five years, which they already are familiar with, or they will be able to choose to use the new form that is to be is prescribed specifically for longer term agreements.

In relation to your question regarding the prescribed forms that you have not had the opportunity to see yet, the Victorian Government Solicitor's Office is currently developing a consultation draft of the form. We are hoping that this will be completed sometime next month so that we can take it to our stakeholders for consultation.

Clause agreed to; clause 17 agreed to.

Clause 18

Mr CLARK — I raise an issue about the intended notice period where notice to vacate is to be given for no specified reason in relation to a lease of longer than five years. At present the requirement under the existing act is for 120 days. There is provision for a longer period to be prescribed for leases longer than five years. This is quite an important issue because the philosophy, as I understand it, of the proposed longer term leases is to give greater security of tenure — indeed to give something more akin to a long-term interest in the property to the tenant — but if that can be

terminated on 120 days notice, then that potential security of tenure, which is one of the advantages of a five-year or longer lease, is lost.

From the point of view of the landlord, of course, the longer the prescribed period, the less the degree of flexibility, so it is a very important issue. Therefore I would ask the minister for some clarification as to what the government's intention is about that prescribed period. Furthermore, does it intend to have the same prescribed period for all leases of longer than five years, or could it potentially have a prescribed period that is a specified fraction of the lease terms? For example, for a long-term lease entered into for 20 years, could you say it has to be a year's notice, whereas if it is for six years, perhaps it is six months notice. Could the minister clarify that point?

Ms KAIROUZ — Thank you for your question. The same notice period will apply unless a longer notice period is prescribed in respect of the agreements for a fixed term of more than five years. It is possible that this may be necessary and fair as it may require extra time to unwind a tenancy arrangement where a tenant has been in occupation for a longer period or if there are modifications to the premises that need to be removed and the premises need to be restored to their original position. The government has not made a decision yet in relation to this; however, we do believe it is extremely important that we consult with our stakeholders, and hopefully between now and the passage of the bill there will be some clarification.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Clause agreed to; clause 19 agreed to.

Bill agreed to without amendment.

Third reading

Motion agreed to.

Read third time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REAL-TIME PRESCRIPTION MONITORING) BILL 2017

Second reading

Debate resumed from earlier this day; motion of Ms HENNESSY (Minister for Health).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — The question is:

That the house now adjourns.

Energy prices

Mr WAKELING (Ferntree Gully) — (13 041) My adjournment matter this evening is for the Minister for Energy, Environment and Climate Change, and the action I am seeking is that the minister take action to ensure that her government provides relief for my residents in regard to the ongoing problems they are facing with increased energy prices.

My residents have raised significant concerns with me regarding the increased energy prices they have been facing over the term of this government but more importantly since the closure of Hazelwood mine, the energy producer. I have constituents in Wantirna South, senior residents who are very concerned about the increase they are facing in the cost of living, particularly in regard to energy prices. Between December 2016 and June 2017 their energy bill has increased by $91.46. They have seen an increase from $133.78 to $225.24. This is of grave concern to these families.

Another resident who has raised concerns says she is not sure how she is going to manage her own bills once she retires. We have others who have said they are facing a range of other problems, for example, in the area of gas. This is all happening under the watch of this minister.

I know that this government has no plans to provide relief or support to Victorians. We have seen that the Andrews government is spending $250 million to $350 million of taxpayers money in regard to their energy target, but Victorian families are in debt of up to $18 000 as a result of increased power prices. According to the Essential Services Commission's latest report, some Victorians will be forced to pay an extra $357 on their energy bill this year. Customers are facing payment difficulties, where significant increases in energy prices

have led to 12 718 Victorian households being disconnected from an essential service. This is a rise of 2000 households in just three months.

We are talking about people, we are talking about families and we are talking about people on fixed incomes. We are talking about their access to a basic essential service, and that is the right to access cheap and reliable energy. To date this government has not provided my community with any relief or any understanding of how they are going to provide relief. Again I call on the Minister for Energy, Environment and Climate Change to take action and explain what she will be doing to provide cheaper, reliable energy — electricity specifically — for my residents.

Broadmeadows electorate cyber clubs

Mr McGUIRE (Broadmeadows) — (13 042) My adjournment request is of the Minister for Small Business, Innovation and Trade. What is the minister doing in the cyberspace for my constituents? What I am looking for is a response that covers the full span, from education to job opportunities, whether that is in cybersecurity or whether it is in creating cyber education clubs with schools. I am looking for a response on that going right across the sector, from lifelong learning to jobs.

In particular I would like to propose funding to build cyber clubs for the 13 schools in the Broadmeadows electorate as an extension of the global learning village model for lifelong learning. Cyber clubs would run alongside the Victorian curriculum where, for the first time this year, schools are introducing students to digital technologies vital for the future. Cyber clubs would also add to the Victorian government's groundbreaking science, technology, engineering and mathematics (STEM) education strategy, which is critical.

Such an initiative is important because the STEM skills gap will take too long to fill using traditional methods. Cyber clubs are a low-cost initiative Victoria could use to fast-track talent development. Director of cyber science and technology at Loyola Blakefield college in Baltimore, Maryland, Steve Morrill has successfully pioneered this concept, so we have proof of that. La Trobe and Deakin universities, along with some of Victoria's leading schools in STEM, hosted his recent masterclass workshops.

I am seeking seed funding as well to develop cyber clubs in Broadmeadows to add to the innovation that has earned Broadmeadows international recognition. Cyber clubs are not only important to provide skills for new jobs but to help compensate for the former one-term Victorian coalition government's decision to axe funding for the IdeasLab at the Hume Global Learning Centre in Broadmeadows — a collaboration between Microsoft, Intel and Cisco Systems, second in the world only to London.

This is the collaboration model. How do we actually build the jobs, as I said, from cybersecurity right through to education? I think that is absolutely in the public interest. I know that the minister is driving this agenda, and I am just seeking his support for my local community.

Caulfield electorate schools road safety

Mr SOUTHWICK (Caulfield) — (13 043) My adjournment matter is for the Minister for Roads and Road Safety. The action I seek is that the minister provide funding to improve safety at pedestrian crossings around schools in my electorate. I have raised this a number of times with the minister, and I do acknowledge that a number of VicRoads studies and reports have been done, but these schools desperately need funding to ensure that the children are safe around the schools they come to and from.

I acknowledge the work that Ruth Gordon has been doing at Glen Eira College. I mentioned that this morning when presenting some petitions to the house. They desperately require a 40-kilometre zone running during school hours and an active electronic display to show the limit so drivers can see it when they are coming to and from the school. There have been a number of near misses at the school, so this is desperately required.

The Shelford Girls Grammar pedestrian crossing I raise again. They are in desperate need of electronic speed signs and pedestrian-activated mounted lights as ways their children can be kept safe. This is something that the school council and the principal have taken up. The pedestrian crossing would be around Hood Crescent. We desperately need some action there.

Again Caulfield Grammar School, which the member for Sandringham attended, is desperately in need of some pedestrian lights. They have tried to get pedestrian lights installed, without success. The school community is asking for the installation of pedestrian-activated pole-mounted lights at the Elizabeth Street–Mcwhae Avenue intersection.

Finally, St Kilda Primary School requests that permanently flashing 40-kilometre-zone electronic signage is placed on the Chapel Street side of St Kilda Primary School so that children are safe to cross the

road. This is something that the parent body have taken up. They have also taken it up with the City of Port Phillip, with no success.

This is very important. All of these schools have been advocating for some time. They have been told by the minister and by VicRoads that they are a priority, but they are on the list and there is no funding available. There is one thing that is more important than anything, and that is kids' safety. I therefore request that the Minister for Roads and Road Safety do something to ensure these kids are safe and to ensure this vital equipment is installed so that the kids can travel to and from school safely, without fear of being hit by cars travelling past these particular intersections.

Northern suburbs netball facilities

Ms BLANDTHORN (Pascoe Vale) — (13 044) I appreciate the opportunity to raise a matter for the attention of the Minister for Sport. The action I seek is that the minister provide an update on the rollout of the Andrews Labor government's $10 million netball court program in Melbourne's inner north, particularly in the Pascoe Vale area. The upgrade of two netball courts to competition-ready status at Martin Reserve in Coburg has already been completed. As part of this program, netball projects will also take place at John Pascoe Fawkner Reserve in Oak Park and Cole Reserve in Glenroy. These projects will bring immense benefits to the local community, but I ask the minister for an update on the whole of the program within my area.

Brighton East housing project

Ms ASHER (Brighton) — (13 045) The issue I have is with the Minister for Housing, Disability and Ageing, and the background to my issue is that the government has a number of projects badged under the Towards Home program. The action I am seeking of the minister for housing is that he stop the 226–228 South Road, East Brighton, project. This project involves a number of relocatable homes, including one for a staff member to be on site 24 hours a day, seven days a week.

There is significant concern amongst the Brighton East community on a number of grounds — firstly, the project itself. Council of course is deeply concerned, but it has no planning jurisdiction over these relocatables at all, and clearly residents will have views about the visual amenity of the project. That is a concern. Most significantly in terms of the project itself, many people are fearful for their safety. They are fearful for their safety around why there needs to be a 24-hour, seven-day-a-week staff person on site with the people that the government has chosen to live on this block of land which has been vacant for a considerable amount of time.

Another key concern for my residents is that there has been an appalling lack of consultation from the government. A letter was sent out from the government on 21 August 2017 inviting residents to a consultation session. It then told them the project was going ahead anyway in September. There was a meeting held on Monday, 28 August, and 100 people were let into the meeting, but then 100 people were locked out of the so-called government consultation meeting. You can imagine their anger on top of the fact that they are genuinely fearful for their kids, for themselves and for their lifestyle. On top of this the government held another meeting on 4 September, and residents were allocated only 25 minutes to ask their questions.

The community is not against public housing. There is public housing in the area now. It is an area of significant public housing, and many of those people obviously have been caught up in legitimate concerns about why this level of care is needed on that site. I suggest to the minister that he could use this land for another public housing purpose, and I have written to him to that effect. However, there are a number of people who say he could sell the land for $3.5 million or $4 million, and that would significantly contribute to the cost of the $9.8 million Towards Home program. At this stage my request of him is that he stop the project. He can use the land for another public housing purpose.

Wingate Avenue Community Centre

Mr PEARSON (Essendon) — (13 046) I direct my adjournment matter to the Minister for Training and Skills in the other place, and I ask the minister to come out to the Wingate Avenue Community Centre, a local training provider and Jobs Victoria Employment Network recipient on the Ascot Vale public housing estate.

Sandringham electorate planning

Mr THOMPSON (Sandringham) — (13 047) I wish to direct my matter to the attention of the Minister for Planning. The action I seek from the minister is that either he or a member of his staff visit the Sandringham electorate to review the impact upon the electorate of increased density and the change to height limits. There are a number of unplanned consequences of increased density of development in terms of lack of access to reasonable services, lack of open space and lack of access to public transport, and there is also the impact upon the vegetation level within the City of Bayside,

which has been a feature of the district and certainly within the Sandringham electorate.

At the start of the 58th Parliament there was a decision to remove the height limits that were applicable within the Mentone precinct — the Mentone activity centre — and there was a concern as to the potential impact of increased density. It is disappointing that a number of the planning designs do not take into account planning aesthetics or design aesthetics that accommodate the heavily vegetated nature of the district.

The suburb of Beaumaris is defined by Ricketts Point, and the vegetated reserve on the land side of Ricketts Point and further in is a deeply valued amenity. The heathlands in that precinct and the conservation reserves of Gramatan Avenue, Long Hollow and Bay Road — to name a few of the reserves — are deeply valued, and there is a keenness on the part of many people in the district to preserve and retain the heathland vegetated aspects of the Sandringham electorate and also to ensure there is sufficient access to services within the district so that if population is to double in metropolitan Melbourne over the next 20 years or so, there is certainty that there would be reasonable access to facilities, as I mentioned earlier, in relation to appropriate infrastructure, educational facilities, health facilities and recreational land.

There is also the issue in relation to future developments on the CSIRO land and the Gas and Fuel site, which is a matter of major importance.

McLeod Road, Patterson Lakes

Ms KILKENNY (Carrum) — (13 048) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is that the minister provide an update to my local community in Patterson Lakes about the new McLeod Road pedestrian crossing. Residents of the Patterson Retirement Village and residents from surrounding streets have advocated long and hard for a pedestrian crossing that will get them safely across McLeod Road to the shops, restaurants and bus stop.

I am delighted that I was able to secure funding for this tremendous safety and access initiative, and I want to sincerely thank the members of the Patterson Retirement Village and the local community for their work in bringing this important issue to my attention. I know members of the local community are very keen to receive an update from the minister on the new pedestrian crossing.

Yarra Valley bus services

Ms McLEISH (Eildon) — (13 049) I rise with an adjournment matter for the Minister for Public Transport. The action I seek is that the minister review the bus timetabling in the Yarra Valley. In particular I refer to routes 683 and 685.

The needs of people in the Yarra Valley have changed in line with changes to the broader area. It would be good to have a modern service that better reflects community needs. If we consider route 685 between Lilydale and Healesville, which is run by McKenzie's, anyone driving between these towns would drive directly. However, the bus route runs via Yarra Glen. This is particularly frustrating for many commuters and unsurprisingly many choose to drive to Lilydale and park at the station. Consideration needs to be given to direct routes to Lilydale from both Healesville and Yarra Glen during peak periods. There are a couple of direct services from Healesville, which is good for the people of Healesville but not so good for the people of Yarra Glen, who miss out on those slots. The provision of direct services may be attractive for growth in the area and may potentially alleviate the parking stress at Lilydale station.

The Sunday timetable has not changed in 25 years. There is a lot of tourism in the area and tourism is a key employer. The vineyards are popular, as is the Chocolaterie now as a key destination. Getting people out into this area is very important, and having public transport to help facilitate that is of prime importance. I also would suggest that the review include bus stops, with consideration given to a bus stop at Healesville hospital. I am sure those living on both routes would like to see Sunday services reflect the current Saturday timetables.

The needs along the Warburton Highway are slightly different. A very early weekday service could be as early as 4.15 a.m. to connect with a 5.32 a.m. service from Lilydale. This would allow people to catch connecting services to the Bayswater North industrial precinct. We have a lot of younger people who work in that hub at Bayswater, and it would be terrific if they had this option to help them get to work. As with the 685 service, a later service from Monday to Thursday for people living on the Warburton Highway that reflects the Friday timetable would certainly be welcomed.

Revisiting a cross-valley service linking Warburton and Healesville might also be worthwhile. The feedback from the previous trial, which did not come to fruition on a permanent basis, was that it was being operated at the wrong times of the day and therefore was not

viable. A service that catered for students and office workers in the morning, say between an 8.30 and 8.45 arrival, a lunchtime shopper service and an afternoon return service between about 4.00 and 4.30 is likely to be much more suitable.

Reviews have been undertaken in the past and recommendations have been made previously; however, those recommendations were not adopted. So, Minister, I urge you to modernise the timetabling for bus services in the Yarra Valley, and when you get recommendations I urge you to actually implement them and provide us with a better service.

Edithvale Life Saving Club

Mr RICHARDSON (Mordialloc) — (13 050) My adjournment matter this evening is for the Minister for Energy, Environment and Climate Change. The action I seek is that the minister direct the Department of Environment, Land, Water and Planning to closely work with the City of Kingston to broker a design and building solution to comply with the Coastal Management Act 1995 for Edithvale Life Saving Club. This is a fantastic lifesaving club in my electorate, and it will celebrate its centenary in 2019. It is a club that supports some of the 22 000 visitors that flock to Edithvale beach each and every summer. It has a wonderful committee that is also dedicated to supporting our first-generation Australians, who in the case of some countries have been landlocked and have never seen water or the ocean. They are supporting our migrant communities and our refugee communities to learn safety around beaches and around our waterways.

Recently we hit a bit of a hurdle with the current designs not complying with the Coastal Management Act and some of those plans needing to be redesigned. This is a disappointing setback but something on which we need to work together with the City of Kingston and the department to try to get the best solution, because we do not want this project held up unnecessarily. It is a partnership with the state government, with $1.5 million from the Victorian government, and the City of Kingston, with a more than $1.9 million investment, so everyone wants to see this project go ahead. Everyone wants to see the benefits of this project, and the very important thing is that these wonderful volunteers continue, day in, day out through our warmer months, to support our community members to keep them safe and ensure that people are safe around our water and our beaches. In conclusion I ask the minister to direct the Department of Environment, Land, Water and Planning to work collaboratively with the City of Kingston to broker a solution in the fastest possible time.

Responses

Mr FOLEY (Minister for Housing, Disability and Ageing) — I thank the honourable member for Brighton, and I know her heart really was not in that proposition. I know that she delivered it on behalf of the Liberal Party candidate for Brighton, given that the Liberal Party candidate for Brighton has been running a shameless fearmongering campaign on this issue.

Ms Asher — On a point of order, Speaker, if the minister wants to spar with the candidate for Brighton when he becomes the member, he can do that in December 2018. I have raised an issue of genuine concern on behalf of my constituents. I am pleased the minister is in the chamber, and I would like him to address the issue I raised.

The SPEAKER — The minister.

Mr FOLEY — I will certainly do that, Speaker. The Towards Home program is a direct response to the homelessness crisis that we face as a community. Earlier this year — as I am sure all honourable members will be only too aware — we saw a homeless encampment on the streets of the city. Those people, oddly enough, do not come from the City of Melbourne; they come from all over Victoria and indeed from all over Australia.

This should be by any means a national program. Sadly, what we have nationally is more people being forced into homelessness through a whole series of social and other policy measures. To leave those aside for the moment, the Victorian government's responsibility is to make sure that we deal with people in the most urgent housing crisis, and those are people that we find, sadly, not just on the streets of Melbourne. If anything, the streets of Melbourne's central city district probably reflect a minority of people who are rough sleeping in our community. In our suburbs, in our regions, there are people sleeping on foreshores, in cars, in sporting clubs, including, can I say, in the district of Brighton. So in regard to this particular series of projects that is the Towards Home program, this is a series of five such investments where wraparound, 24/7 care is provided to very vulnerable people to get them housed first.

The current dominant idea globally in comparative jurisdictions is to secure people, house them and bring the services that they need to get the support they need. We have some similar projects being rolled out in Preston, in Reservoir, in Brighton and in a number of other areas. Oddly enough, it is the exact same consultation process, including with council, including with neighbours. And can I say for the record that the

City of Bayside, when consulted some months ago, raised no objections whatsoever. That is on the record, and feel free to check with your friend the mayor and a whole range of others in terms of how this could be delivered. There were no concerns raised.

It was only as a result of not the honourable member, I grant, but the Liberal Party candidate who has been raising a series of falsehoods around the program. Some of the material that he has been distributing is bordering on malicious in terms of stigmatising those people who are homeless —

Ms Asher — On a point of order, Speaker, an adjournment issue is not an opportunity for a minister to malign and make comments about people he does not like. On my side an adjournment issue was raised in good faith on a policy question, and again I reiterate that I am grateful the minister is in the house, but his answer needs to be relevant to the issue that I have raised with him, which is residents' concerns.

Mr FOLEY — On the point of order, Speaker, the residents' concerns, well beyond the member for Brighton's earnest advocacy, have been raised directly with me by a number of the residents in that area, and they have flagged that they have been advised by the Liberal candidate, so I think that is just context setting. But for the sake of the smooth running of the house I will refrain from such further advice.

Let me assure the honourable member for Brighton that homelessness is not something that is peculiar to any community. It is an issue for us all, and we need the wraparound support services for those at the extreme end of the homelessness equation, our rough sleepers, who disproportionately have all sorts of complex needs, which is potentially why they are homeless. There is an argument about which came first — the needs or the homelessness — but that mix makes people vulnerable, and unless you deal with those vulnerabilities in an intensive way you will just perpetuate the cycle of homelessness.

So whether it is Reservoir, whether it is Preston, whether it is Brighton, whether it is the regions or whether it is the outer suburbs, we make no apology for this program. It is a program that we are proud of, together with our wider *Homes for Victorians* program, which indeed your colleagues in the upper house, together with the Victorian Greens, have sought to oppose. We take the view very strongly that homelessness is an issue for us all, and I would gladly offer the member for Brighton a briefing from the homelessness policy team as to both the thinking behind and the rationale for the delivery of the Towards Home program in the effort and in the hope that she could become an advocate for this important program in her own community and perhaps amongst the wider opposition benches.

Ms NEVILLE (Minister for Police) — A number of members raised a number of issues with a range of ministers, and I will pass those issues on.

The SPEAKER — The house is now adjourned.

House adjourned 5.29 p.m. until Tuesday, 19 September.