PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 8 June 2017

(Extract from book 7)

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

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 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	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, Ms Graley, Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Ms Spence, Ms Thomson and Ms Ward.

Leader of the Parliamentary Labor Party and Premier

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals

The Hon. P. L. WALSH

Deputy Leader of The Nationals

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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

[1] Elected 31 October 2015

[2] Resigned 3 September 2015
[3] Resigned 3 September 2015
[4] ALP until 7 March 2017
[5] Elected 14 March 2015
[6] Elected 31 October 2015
[7] Resigned 2 February 2015

PARTY ABBREVIATIONS

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

Legislative Assembly committees

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

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

Legislative Assembly select committees

Penalty Rates and Fair Pay Select Committee — 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, Mr Merlino, Mr M. O'Brien, Mr Pakula, Ms Richardson and Mr Walsh. (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge.

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

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

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

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

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

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

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

Public Accounts and Estimates Committee — (*Assembly*): Mr Dimopoulos, Mr Morris, Mr Pearson, Mr T. Smith, Ms Staley 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.

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THURSDAY, 8 JUNE 2017

Thursday, 8 June 2017

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

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Annual Plan 2017–18

Effectiveness of the Victorian Public Sector Commission — Ordered to be published

Border Groundwaters Agreement Review Committee — Report 2015–16

Planning and Environment Act 1987 — Notice of approval of an amendment to the Yarra Planning Scheme — C260

Victorian Environmental Assessment Council:

Fibre and Wood Supply Assessment Report

Statewide Assessment of Public Land

Wodonga Institute of TAFE — Report 2016.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourns until Tuesday, 20 June 2017.

Motion agreed to.

MEMBERS STATEMENTS

Barwon Heads Community Library

Ms NEVILLE (Minister for Police) — The City of Greater Geelong recently announced its intention to close the Barwon Heads Community Library. I have been working closely with the local residents and the administrators of the council about this issue. It is absolutely critical, in my view, that this important local asset remain open, and I reiterate today my full and strong support for keeping it open. In doing so I again call on the City of Greater Geelong to reverse this short-sighted decision.

Following the announcement I met with the council administrators and I did welcome their commitment to delay the closure of the Barwon Heads library until 30 September to provide more opportunity for the community to speak to and work with the council and really to hope for a decision reversal on this issue.

It is absolutely incorrect to close these libraries in small communities when this particular public asset is so critical to the community. As the Save Barwon Heads Community Library group has said, local libraries increase engagement, reduce isolation and perpetuate community spirit. As the local member I could not agree more with that sentiment. Again I respectfully call on the council administrators to reverse this decision, to acknowledge that they have got this wrong, to agree to continue to open this library and to involve the community in its ongoing future.

Crime

Mr GUY (Leader of the Opposition) — Victorians are sick to death of watching our state suffer through a crime wave that the state government seems unwilling or unable to combat. Too often we are waking up to hear stories of carjackings, home invasions and violent crimes that are turning our state into the crime capital of Australia.

Last week this crime wave came to my electorate and indeed my own suburb with a family in Templestowe having their home brutally invaded. Five men set upon a family home in a quiet cul-de-sac in a manner that was brutal, vicious, random and quite shocking. Many members of my local community have made contact with my office to express their frustration at the state government's seeming lack of will and resolve to tackle this crime wave that is sweeping our city and our state.

I have a message though for these perpetrators: a Liberal-Nationals government will subject you to mandatory sentencing. Whether it is in my electorate or any of the 87 others, we will not let Victorians continue to live in fear as the Labor government and the weak, hopeless Minister for Police are.

Fitzsimons Lane–Porter Street, Templestowe

Mr GUY — I briefly raise the issue of the Fitzsimons Lane–Porter Street roundabout in Templestowe, which is a traffic nightmare and difficult to navigate. It is a three-lane roundabout that causes mass congestion through Templestowe, particularly for northbound traffic into Eltham. This roundabout needs significant change, and I have asked my community for suggestions as to what they think is a better way forward. It is my view that this roundabout in its current form, with reduced lanes to cater for buses, slow signalisation and three lanes of traffic flow, is not working. It is dangerous and confusing and a better way forward is needed to manage both eastbound and Porter

Street traffic and northbound Nillumbik and Banyule traffic seeking to get across the river.

Family violence

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I rise to update the house on the groundbreaking work the Andrews Labor government is doing in my electorate of Mill Park to combat the scourge of family violence. We all know about this problem; this Parliament and this chamber have heard telling words on the matter and voted on world-leading legislation to address it.

I am proud that my community is tackling this issue and that the Mill Park police station will be the home of the first family violence prevention unit in Victoria to operate as a high-risk investigation office. It is worth noting that this is in the context of the unit at the Mill Park police station initially being launched as a victim management office. It has evolved into something that will better protect victims and ensure perpetrators are never able to get away with their actions. This transition is based on the work of the 2016 Royal Commission into Family Violence.

Our government has delivered $1.9 billion in the budget to address family violence — more than all other jurisdictions combined. Due to the training of the officers at Mill Park, the unit is now equipped to investigate high-risk family violence offences. Victims of family violence can now contact the unit directly and not get lost in the system. By giving more attention to the high-risk cases, officers can intervene and respond to prevent tragedy.

This is about lives being saved; it is about women and children being protected. There are currently 12 offenders behind bars due to the work of this unit. I hope the unit continues to do a fantastic job protecting families in my electorate and that this model is seen as something that can be replicated across the state. I thank all ministers involved and certainly acknowledge the — —

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

Wangaratta law and order forum

Mr McCURDY (Ovens Valley) — I was delighted to have the Leader of the Opposition join me in Wangaratta last week, where we announced a law and order forum that will be held on 31 July. Tania Maxwell from the Enough is Enough anti-violence community safety campaign also joined us. Tania is working hard to highlight the problems with bail, parole and sentencing laws and is advocating for change. Unfortunately Wangaratta has been impacted by several violent crimes in recent times, and it is important that Wangaratta and the surrounding community come together to discuss this important issue.

Moira business excellence awards

Mr McCURDY — Congratulations to all businesses in the Moira shire who were recognised in the recent business excellence awards. Cobram's Manto Produce was awarded the highest honour, taking out the 2017 Moira Shire Business Champion award as well as the Excellence in Local Produce award. Congratulations to John Mantovani and his team. Our local businesses are so vital to the local economy, and I believe when businesses do well, our local economy does well.

Elsie Jackel and Doris Head

Mr McCURDY — Two Ovens Valley residents have recently celebrated 100th birthdays, and I would like to congratulate both of them. Elsie Jackel of Cobram marked the momentous occasion with morning tea with family and friends as well as a lunch. Mrs Jackel has lived in Cobram for 63 years and is a talented musician and artist. She and her husband, Len, ran old-time dance bands, which played several times a week across the district. Mrs Jackel played the piano and piano accordion. Yarrawonga's Doris Head turned 100 on Sunday. Mrs Head has seen enormous change in her life, from the horse and gig days. She was born during the First World War and witnessed the introduction of electricity and hot water in the 1940s. She was involved in tennis, basketball and many other activities. Congratulations to Mrs Jackel and Mrs Head on this milestone and their long and prosperous lives.

Williamstown Cemetery

Mr NOONAN (Minister for Industry and Employment) — I rise today to recognise the significant work undertaken by the Greater Metropolitan Cemeteries Trust and Victoria's Heritage Restoration Fund to refurbish the Williamstown Cemetery fountain. The fountain was constructed in 1892 in loving memory of Agnes White, nee Turnbull, by her husband, John White. John White was a local mariner who built ships and operated a successful trading business. Throughout the electorate of Williamstown, John funded street plantings, raised money for the construction of new buildings in Footscray and donated money to help construct a women's ward in the Williamstown Hospital.

When it was discovered that the original £25 donated by John was insufficient to cover the construction costs

of the fountain, the Williamstown Cemetery's trustees stepped in to help. Now the Greater Metropolitan Cemeteries Trust and Victoria's Heritage Restoration Fund have stepped up to share the cost of the restoration in a joint initiative. The damage caused by over 120 years of exposure to the elements took almost a year to repair and cost $450 000. However, I think everyone who sees the fountain will agree that the final result has made the time, funding and effort that went into the restoration more than worthwhile.

This fountain is one of only three similar fountains in Victoria and is one of the defining features of the Williamstown Cemetery, providing a peaceful and beautiful place for reflection. I would like to thank and commend the Greater Metropolitan Cemeteries Trust and Victoria's Heritage Restoration Fund for restoring the fountain to its original glory. I would also like to thank the Friends of Williamstown Cemetery.

Bayswater Community Day

Ms VICTORIA (Bayswater) — What a farce the Bayswater Community Day was on Saturday. It was touted as a celebration of 'the end of the Bayswater level crossing project'. In fact it did nothing for the local traders, who have collectively lost millions of dollars through this mismanaged project. And by the way, the project is not finished. Just ask the traders who still have construction zones outside their shops or the older citizens who have tripped and fallen over the rubble and uneven surfaces that remain throughout the precinct.

How do a petting zoo or face painting start to repair the financial hurt, or the musicians and street performers, who were not even local? We have some great local musos, but were they given a paid local gig? No, they were not. The Level Crossing Removal Authority did not even cough up for the sausages for the few people who did turn up. We paid for ours, and although I love our local scout groups, which bit of this was a thanks to local shoppers and traders?

Then of course there were the Station Street traders. The cafe need not have opened their doors, and the fish and chip shop was trading at approximately 10 per cent to 20 per cent of their normal Saturday lunch trade. They are already doing it tough. With the permanent removal of car parking spaces, their regular clientele are finding it too hard to duck in to grab their dinner. Where does the pain end for the loyal, long-suffering traders of Bayswater? The Andrews Labor government has ruled out compensation, even though one business has definitive proof that they lost $250 000 due to the crossing removal project's mismanagement of timing. Enough is enough, Premier. This was a huge slap. These are real people, and it is sad that again you have missed that point.

Muskaan Support Australia

Ms WARD (Eltham) — There are some pretty amazing people living in the seat of Eltham and that includes Marion Hadingham. She is a kind, generous woman who wears her heart on her sleeve. She is a determined woman, who when she sees an injustice does not just click a 'like' button; she goes out and makes real change. Over the last eight years, Marion has led Muskaan Support Australia (MSA) to build a school in Bhopal, India. She has just about reached this goal, with the last fundraiser, the ultimate Bollywood Bedazzled ball, being held a few weeks ago. Works on the school are nearly finished. Over the years Muskaan Support Australia has raised approximately $90 000.

This would not have been possible without the tireless efforts and superb work of Marion and her husband, Kevin — president and secretary of MSA — and the impressive support of the big-hearted folks at the Rotary Club of Eltham. I also pay tribute to Matt Walsh, Eshan Arya, Sunalini Arya, Arjun Reddy and Lalitha Nair for their work.

Rajbhog Indian Restaurant; Machan Indian Restaurant; Helloworld Travel Eltham; the Good Guys, Northland; Run to the River; G'day India; Beyond India; Stonehaven on Monsants; Bendigo Vodafone; Angad Australian Institute of Technology; Desi Style by Essence of India; the Buckland family, Fish Creek; Raj-Rani Creations Indian clothing store; Roshan's Fashions; DJ Baba Saheed; Jawaher Jewellery; Healthy India, Reservoir; Chimes Indian Restaurant; Indya Foods Pty Ltd; Bharatha Choodomani Australia; Nacho Nacho Dance Institute and others were fantastic supporters of this. With the funds raised from this year's ball, works will be completed for the poor and underprivileged of Bhopal.

Country Women's Association Diamond Valley branch

Ms WARD — I recently opened the terrific Diamond Valley Country Women's Association of Victoria art show. It was an impressive array of women's skill, creativity and dedication that covered a wide range of disciplines. It was a pleasure to be asked to present the individual and group prizes in recognition of skill, attention to detail and skill growth. Thanks goes to Helen Vavala, Diamond Valley group creative arts convener; Danielle Twine, Diamond Valley group president; and their team. They put together such a great day.

Port of Hastings

Mr BURGESS (Hastings) — Despite the overwhelming evidence to the contrary, no-one in the freight and logistics industry — one worth more than $23 billion per year to our state — or no-one with more than a passing interest in Victoria continuing as an international container port destination was surprised to read that Infrastructure Victoria has recommended to the Andrews Labor government that it should rule out Hastings as the state's next container port. After all we must remember that until this Parliament forced them to stop, the Andrews Labor government was signing up to give the new purchaser of the port of Melbourne a 70-year monopoly over ports in Victoria, meaning no-one could build a second port in our state, regardless of how badly it was needed, until around 2085. That is blatant economic vandalism.

Against that background, it was predictable that a body stacked with Labor sympathisers would present a report that used outlandish assumptions, ignored facts and misinterpreted evidence to substantiate the ridiculous conclusion that nothing needs to be done for more than 40 years. The Premier has again simply used Infrastructure Victoria to try and get his own way.

Minister for Small Business, Innovation and Trade

Mr BURGESS — At last week's Public Accounts and Estimates Committee hearings we heard that the Minister for Small Business, Innovation and Trade, Philip Dalidakis, has jetted around the world on an astonishing seven overseas junkets in the past year, charging taxpayers a whopping $209 000 for the cost of flights, accommodation and expenses. You would think that a person who has spent that much money would come back with a swathe of new initiatives and benefits for Victorian small businesses, yet apparently not one trip was dedicated to that portfolio. When pressed on the nature of these junkets, the minister said his department was looking into new and emerging trade relations, again hoping someone else would generate something that he could claim.

St Albans level crossings

Ms SULEYMAN (St Albans) — On Sunday I was joined by the Premier and the federal Leader of the Opposition, Bill Shorten, together with Dianne Dejanovic to unveil the St Albans station memorial garden. The garden is where families and the community can gather together and pay their respects, and it serves as an acknowledgement of the victims who have tragically lost their lives in St Albans, in particular at the Main Road and Furlong Road level crossings. I thank Dianne Dejanovic, whose strength and determination have endured — never giving up and fighting to make sure that these level crossings were removed.

Victoria University

Ms SULEYMAN — On another matter, I would like to congratulate Victoria University (VU), which has recently been ranked in the world's top 200 young universities. I am happy to support the continued success of VU in the west, in particular at the St Albans and Sunshine campuses. The west continues to grow, and today I am proudly wearing the 'I love VU' T-shirt, which is a campaign that will continue throughout the secondary colleges in my electorate and the west. Through this promotion VU aims to make sure that students feel very proud of the university, which provides pathways for the future.

VU continues to focus on education, not only in universities but in divisions such as TAFE, including the Victoria Polytechnic in Sunshine, which again received a top prize this year. So whether it is a trade or a degree, VU is providing all the options for students in the west to obtain an education and opportunities. I want to thank VU's Peter Dawkins for his hard work and the university staff, who are dedicated to strengthening local educational opportunities for young people, particularly in Sunshine and St Albans.

Stan Brown

Ms SHEED (Shepparton) — Stan Brown was one of nature's gentlemen, and his contribution to his community makes him very worthy of mention today. Born in 1914, Stan lived a long and fruitful life at Yielima, near Nathalia, close to his much-loved Barmah forest and Murray River.

He and his wife Vera, during their 64 years of marriage, raised four children and enjoyed a large extended family. He was a life member of the Yalca-Yielima Fire Brigade, serving for over 80 years, and was the communications officer up to the time of his death at the age of 102. He was a local councillor for many years and a life member of many community organisations.

He was also a keen sportsman; he played cricket all his life, and he played it well. One of Stan's much told stories was of meeting Sir Donald Bradman. Stan was 16 years old and was counselled by Sir Donald against the perils of cigarettes and public houses. It was a warning he heeded as, in Stan's words, 'when Bradman tells you something, it makes a big impression'.

In delivering his grandfather's eulogy his grandson said, 'He had many words of advice for us over the

years, one being "Always be kind to everyone and everything and you will be richly rewarded", and the other "If your work interferes with your sport, get a new job"'. Stan Brown enjoyed a very full life contributing to his family and community, and in doing so achieved the great respect of his own community to whom he gave so much.

Victoria Police

Mr RICHARDSON (Mordialloc) — I rise to pay tribute to the men and women of Victoria Police who keep our community safe. In the last two weeks we have seen extraordinary bravery, courage, determination and resilience from our Victoria Police men and women, and particularly the special operations group who were called to protect our community again during flight MH128's siege and their professionalism in keeping everyone on that plane safe and allowing them to exit and go home to their families.

More recently with terrorists striking the suburb of Brighton in metropolitan Melbourne during the siege, the officers' expertise saw more lives protected. Sadly we saw three officers injured, two seriously. This is the professionalism, diligence, courage and expertise that our Victorian police officers show each and every day. They put themselves on the line to protect life and property and keep our communities safe. We need to be with them during their physical recovery and to think about how they are supported in the months that come when they relive these situations time and time again. We must ensure that we are serious about supporting them and protecting them against the effects of post-traumatic stress disorder. This is a highly pressurised area. The special operations group officers are a wonderful bunch of people. I want to place on the record on behalf of my community my thanks for their support of our community.

Fire services

Mr CRISP (Mildura) — Despite the best efforts of Steve Warrington to convince Mildura that under the new arrangements between the volunteers and the paid firefighters the Mildura integrated station will improve, I note that history is not in the chief officer's favour. The working relationship at Mildura has best been described as toxic for many years, something I doubt will change easily.

Issues that the community want answered are how the assets are divided, what amenities will be provided for Country Fire Authority volunteers and where the equipment will be housed. So many other issues that concern volunteers and the community have not been answered, and therefore the legislation before this house should not be passed until these questions have been considered and tested. To do so would be to remove justice for our volunteers.

National Rugby League State of Mind program

Mr CRISP — Last Saturday the National Rugby League (NRL) conducted a rugby tournament at Nichols Point oval in Mildura. The event focused on improving mental health and wellbeing for members of our local Rugby League clubs and also promoting mental health in the broader community. All ages competed, with one of the highlights being the match of the women's 9s between the Murray Darling Eelettes and the Mildura Warriors. NRL ambassadors Reni Maitua and Dean Widders provided commentary. Being active in sport has benefits for both physical and mental health, and it is great to see our sporting codes run these to promote wellbeing in our community.

Merbein historical society anniversary

Mr CRISP — The Merbein historical society celebrated its 20th anniversary, and I would like to pay tribute to their work to preserve the history of the region, particularly this year as we mark the 100th anniversary of Birdwoodton. To Bernadette Wells and her crew there, well done for preserving our history.

Walk from Robe

Mr LIM (Clarinda) — The re-enactment of the walk from Robe to Parliament began on 6 May and lasted 20 days along a route of over 500 kilometres. It was a commemoration to honour the bravery, tenacity and resilience of the Chinese gold seekers who had to make this arduous trip 160 years earlier. In 1857, to curb the arrival of the Chinese, a £10 head tax was levied only on the Chinese gold-diggers that arrived in Melbourne. This discriminatory law meant that the Chinese had to disembark at Robe in South Australia and walk over 400 kilometres to the central Victorian goldfields. Some 16 800 Chinese gold seekers walked overland from Robe, and many died from exhaustion and sickness. Upon arrival at the goldfields Chinese miners were often met by racist riots and discrimination. Nevertheless, these Chinese pioneers survived and have contributed significantly to the prosperity and development of Australia and Victoria.

History was made at the great walk reception in Parliament House on 25 May when the Premier and the Leader of the Opposition received walkers and apologised for this discriminatory policy and wrongdoing of the past.

The Chinese community is now the largest ethnic group in Australia's multicultural society, numbering more than

1.4 million residents. This apology is testament to how far we have come and is another positive step towards a more multicultural and inclusive Victoria and Australia.

Ferntree Gully electorate crime

Mr WAKELING (Ferntree Gully) — Residents in the Ferntree Gully electorate are expressing their dismay at this government's lack of attention in terms of providing infrastructure for their community, such as school upgrades, road upgrades and upgrades to sporting facilities, but also in terms of law and order. This is a community that does not feel safe and more importantly does not believe that this government and the Minister for Police, who is at the table, are doing enough to make our state feel safe and to make people in Ferntree Gully and the broader Knox community feel safe. Residents of my community have complained of hearing of home invasions occurring in their streets, of cars being broken into and of people who have suffered from assault. Ladies have been assaulted at Knox city shopping centre. Residents of my community have expressed that enough is enough, and they want more action from this government.

Knox basketball junior finals

Mr WAKELING — I want to pay tribute to Stephen Walter and the team at Knox Raiders basketball for recently hosting the junior basketball finals. Over the weekend nearly 10 000 people went through the State Basketball Centre. It was a great event, and I want to pay tribute to everyone involved.

Fairhills High School and Boronia K–12 College

Mr WAKELING — Congratulations to Fairhills High School and Boronia K–12 College on their recent presentation ball. Over 100 students participated in the event. I wish to place on the record my congratulations to all involved and to everyone who organised the event.

Scoresby Secondary College

Mr WAKELING — Congratulations to Gail Major and the team at Scoresby Secondary College for recently hosting the student leadership day for local primary schools, including Mountain Gate Primary School.

Bill Shorten

Mr EDBROOKE (Frankston) — Recently I caught up with the federal opposition leader, Bill Shorten, MP, and spoke to him about the Frankston Dolphins losing their VFL licence and my community campaign to ensure that we get the club back on track. Bill told me that he supported the fight and would become a member as he knew every membership counted towards reclaiming our 2018 VFL licence from AFL Victoria. It was a great pleasure today to meet our newest Frankston Dolphins member, the leader of the federal opposition, and give him a team polo top in front of a standing-room-only crowd at Bill's town hall meeting in Frankston. On behalf of Frankston, thanks for your support, Bill.

Southern United Football Club

Mr EDBROOKE — Last week I met with Michael from Southern United Football Club to present a $5000 cheque for the club, which aims to provide an environment where women and girls in the southern area can achieve elevated levels of skills and competition. The club has a focus on developing young female talent and providing a pathway to the highest level of football in Victoria and beyond, and the Labor state government is right behind them.

Frankston schools

Mr EDBROOKE — For the first time in Frankston's history, we have two-thirds of our state schools simultaneously building fully funded Labor state government projects. That's more than 10 school projects established in the two and a half years since being elected. Apart from supplying record funding for Victorian schools, for the last three years the Victorian Labor government budget has met Gonski funding levels, because all kids deserve the best start no matter what their background.

Young Street, Frankston

Mr EDBROOKE — It is an exciting time in Frankston on Young Street. Welcome to two new Frankston businesses that have established themselves on the street, Young Cafe and Passion Hair & Nails, which opened on Young Street in the last few weeks. It is great to see the Young Street redevelopment works attracting new businesses to establish themselves in Frankston.

Maccabiah Games

Mr SOUTHWICK (Caulfield) — Congratulations to all the athletes chosen to represent Victoria and Australia in the 2017 20th Maccabiah Games in July. Nineteen-year-old track and field athlete Jemima Montag will carry the Maccabi Australia flag into Teddy Stadium in Jerusalem at the Maccabiah Games opening ceremony. It was a privilege to catch up with Jemima and farewell all of the people who are leaving on Sunday night — some 250 athletes from Victoria. A big thankyou to president Barry Smorgon, OAM, who

has done a great job in leading the organisation and enabling a record number of athletes to go, and also to the organising committee — head of delegation Tom York, general manager Nikki Burger, head of operations Karen Holloway, Laurence Miller and others — who will all be enabling what I am sure will be a very successful games.

It was a bittersweet farewell to Australia's biggest delegation to the games in Israel, paying a moving tribute to the teammates tragically lost 20 years ago at the 1997 games bridge disaster. Tony Aarons, Sam Parasol and Michelle Tremigliozzi lit candles on behalf of the Bennett, Zines and Sawicki families, while Greg Small's daughter Rebecca and his 1997 teammate Daniel Zalcman lit a candle in his honour.

Yeshiva College

Mr SOUTHWICK — A big shout-out to year 6 students at Yeshiva College, ably led by teacher Rodney Hill. I will be visiting them on Friday. They are always keen to learn about the political system in Victoria.

Hoseah Partsch

Ms WILLIAMS (Dandenong) — I rise today to congratulate a very talented member of my community, Hoseah Partch. Hoseah is currently competing on the TV talent contest *The Voice*, singing Ariana Grande's *Almost is Never Enough*. Hoseah auditioned for the show on 24 April and wowed all the judges, receiving the much-acclaimed four-chair turn.

Hoseah moved to Australia in 2011 and is now a year 12 student at Dandenong High School. He is a fantastic example to his classmates and our community that you can achieve whatever you set your mind to regardless of your circumstances. Raised by a single mother and the eldest of four children, Hoseah and his family have had their fair share of hardship. They have struggled financially and at times battled to get food on the table, but Hoseah has not let this discourage him. In fact it has made him determined to succeed, with his mum as his greatest inspiration.

Having taught himself to play piano in only a few months and possessing a soulful voice beyond his years, Hoseah is a remarkable talent and an inspiring young man. He is now competing in the live finals and faces the possibility of elimination again on Sunday. I congratulate Hoseah on his efforts so far and wish him all the best for the rest of the competition. Come on, Dandenong, get voting.

Kirsty Boden and Sara Zelenak

Mr T. SMITH (Kew) — It is my sad duty to mourn the loss of two fine young Australians who were murdered on London Bridge in London by terrorists. Kirsty Boden was a nurse from South Australia and Sara Zelenak was a nanny from Queensland. They were two young women, roughly my age, who went to London and were murdered by Islamic terrorists — Islamic fascists — who mean our country and those of our friends around the world immense harm.

Brighton incident

Mr T. SMITH — The ugly spectre of terrorism appeared again this week, this time in Brighton where Yacqub Khayre murdered Kai Hao, a Chinese-Australian who was simply doing his job as an attendant at an apartment block. I pay tribute to the special operations group who rushed to the scene and put their bodies and their lives on the line for freedom, for decency and for our great state and nation. The simple question is: why was this man on parole? We have still not had a sufficient answer to that very important question.

I was equally appalled by the comments made by the Islamic Council of Victoria this morning in questioning whether the incident in Brighton was related to terrorism or not. I am simply appalled by their statements regarding safe spaces for various people. In this country you should be able to say in public what you say in private.

Ramadan

Ms HALFPENNY (Thomastown) — Ramadan mubarak, Ramadan kareem. We are in the period of Ramadan, a deeply spiritual time for Muslims throughout the world as they fast between sunrise and sunset. It is a time to reflect, seek peace, consider those less fortunate and give to the community to care and nurture others. These are the qualities of the people that I know of Muslim faith.

I recently went to an open day at the Thomastown mosque, and I attended my first iftar dinner this year, which is a meal to break the fast. I attended the iftar of the AMAFHH Federation, a charity organisation, which was combined with the Islamic Shia Council of Victoria iftar. I will also attend the Muslim Welfare Trust of Victoria's iftar next week along with a number of other iftars. I believe if everybody in Victoria had the opportunity to visit a mosque and participate in an iftar dinner, they would see that the real teachings of Islam are about compassion and generosity and that Islam shares beliefs and concerns with people of other faiths.

Anglesea, Aireys Inlet Society for the Protection of Flora and Fauna

Mr RIORDAN (Polwarth) — I was pleased to join the Anglesea, Aireys Inlet Society for the Protection of Flora and Fauna (ANGAIR) annual dinner last Saturday night at the Anglesea Hotel. ANGAIR is an important volunteer community environmental group that is dedicated to the care and maintenance of our fragile coastal environment in the Anglesea and Aireys Inlet area. The dinner attracted a solid crowd of around 100 people who reflected strongly the dedication this group has to the propagation and protection of the many coastal plants and animals that are always at threat in a landscape that is under increasing pressure because of the growth and popularity of the Great Ocean Road. ANGAIR has done much to share its knowledge of the local plants with residents and visitors alike, and with its meeting rooms and relatively new greenhouse in the heart of town it is able to keep knowledge and information about the natural world in people's minds.

Anglesea coalmine site

Mr RIORDAN — I would also like this Parliament to record the thanks owed to the many community groups and the company Alcoa who have been working solidly for the last 12 months on a rehabilitation plan for the old coalmine site in Anglesea. For 50 years the coal mined in Anglesea powered the aluminium production at Point Henry in Geelong, providing not only many jobs in Geelong but also a strong backbone for the Anglesea community. The work being done by the Anglesea community and Alcoa will hopefully leave a fantastic legacy of restored landscape, with an opportunity to provide jobs and opportunity in Anglesea for years to come.

Draft plans and ideals will be revealed to all the community over this coming long weekend, and all stakeholders will now have an opportunity to feed into the management plan that will guide the rehabilitation and management of the Anglesea coal mine for the next 10 years. It is very important that all the community use these coming weeks to have their say, as it will be a once-in-a-lifetime opportunity for this community to create a legacy that will sit proudly alongside the already well-known coastal assets of Anglesea and the Great Ocean Road.

RACING AMENDMENT (MODERNISATION) BILL 2017

Statement of compatibility

Mr PAKULA (Minister for Racing) 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 Racing Amendment (Modernisation) Bill 2017.

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

Overview

The bill amends the Racing Act 1958 (Racing Act) to clarify that Racing Victoria will not become a public entity for the purposes of the Public Administration Act 2004 (PA act) or the Financial Management Act 1994 (Financial Management Act) as a result of changes to the constitution adopted by shareholders at the special general meeting held on 18 April 2017.

The bill will also amend the Racing Act to specify that the minister may perform any functions, exercise any powers and carry out any duties conferred on the minister by the constitution in relation to the selection, appointment, resignation and removal of directors of Racing Victoria.

Human rights issues

The amendments to the Racing Victoria constitution adopted by shareholders at the special general meeting provide the Minister for Racing with the power to appoint the directors of Racing Victoria following consideration of a report prepared by an advisory panel.

The advisory panel will be constituted of the Secretary to the Department of Justice and Regulation (or his or her nominee); a nominee of the minister; a nominee appointed jointly by Victoria Racing Club, Melbourne Racing Club and the Moonee Valley Racing Club; a nominee appointed by Country Racing Victoria; and a nominee appointed jointly by the industry body members.

The Racing Victoria constitution will also give the minister the power to remove a director from office by notice in writing to the chair, if the minister considers that the director has brought the Victorian thoroughbred racing industry into disrepute. The removal of the director will be effective from the date set out in the minister's notice.

The bill confirms that the minister has the power to perform any functions, exercise any powers and carry out any duties conferred on the minister by the constitution in relation to the selection, appointment, resignation and removal of directors of Racing Victoria.

This may engage section 18 of the charter (the right to participate in public life) if current directors are not reappointed. However, the right will not be limited as directors will be able to seek reappointment.

The Hon. Martin Pakula, MP
Minister for Racing

Second reading

Mr PAKULA (Minister for Racing) — I move:

That this bill be now read a second time.

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

The bill seeks to amend the Racing Act 1958 (Racing Act) to support changes to the constitution of Racing Victoria that will ensure that the board is independent and that conflicts of management are minimised and appropriately managed.

The thoroughbred racing industry generates nearly $2.1 billion in value annually to the Victorian economy and sustains more than 19 600 full-time equivalent jobs.

Almost 72 000 people are engaged in the industry as an employee, volunteer or participant with around two-thirds of those residing in regional Victoria.

Racing Victoria is a public company limited by guarantee established under the Corporations Act 2001. Directors of Racing Victoria have previously been appointed the Victoria Racing Club, Melbourne Racing Club, Moonee Valley Racing Club, Country Racing Victoria and industry body members including the jockey and trainers associations.

In short, the directors of Racing Victoria were appointed by the people and organisations that they regulate.

In late 2016, the government made a commitment to amend the Racing Act to ensure that directors are independent and conflicts of interest are minimised and appropriately managed and that Racing Victoria would not become a statutory body.

I am pleased to advise the house that Racing Victoria shareholders resolved at a special general meeting held on 18 April 2017 to adopt amendments to the company's constitution to amend the appointment process.

The new arrangements provide the minister with the power to appoint the chair, deputy chair and directors of Racing Victoria. The minister will also have the power to remove a director if the minister considers that the director has brought the Victorian thoroughbred racing industry into disrepute.

On 2 May 2017, a copy of the notification of the special resolution was laid before the house for consideration.

The Racing Amendment (Modernisation) Bill 2017 makes necessary reforms to support the changes to the constitution.

Firstly, the bill amends the Racing Act to make it clear that Racing Victoria is not a public entity for the purposes of the Public Administration Act 2004 (PA act) or the Financial Management Act 1994 (FMA).

The PA act defines a public entity as a public body (incorporated or unincorporated) that is established by or under an act (including the Corporations Act), by the Governor in Council or by a minister. In the case of a body corporate, the government must have the right to appoint at least one half of the directors.

Racing Victoria operates within the strict regime of the Corporations Act which sets out the requirements around powers and functions, director duties, financial reporting and auditing, disqualification criteria for directors and reporting obligations to the Australian Securities and Investment Commission (ASIC).

The bill clarifies that Racing Victoria is not a public entity for the purposes of the PA act or the FMA and that it will continue to operate under the Corporations Act.

The bill will also amend the Racing Act to specify that the minister may perform any functions, exercise any powers and carry out any duties conferred on the minister by the constitution in relation to the selection, appointment, resignation and removal of directors of Racing Victoria.

This amendment will make it clear that the minister has the power to determine the composition of the board.

The bill also repeals schedule 1 of the act. Schedule 1 sets out the requirements for the establishing constitution of Racing Victoria and is a spent provision. The bill makes consequential amendments to deal with references to the repealed schedule.

I commend the bill to the house.

Debate adjourned on motion of Mr T. BULL (Gippsland East).

Debate adjourned until Thursday, 22 June.

SENTENCING AMENDMENT (SENTENCING STANDARDS) BILL 2017

Second reading

Debate resumed from 25 May; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — I am pleased this morning to rise and speak on the Sentencing Amendment (Sentencing Standards) Bill 2017. I should say at the outset that the coalition parties will not oppose the bill, although I have a number of criticisms that I will advert to in the next few moments, and I will be proposing amendments.

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

Mr PESUTTO — This bill addresses a decision of the Court of Appeal which was handed down in 2015 and which effectively struck down the previous coalition government's baseline sentencing regime. Baseline sentencing passed this Parliament with the support of the now government in 2014. Baseline sentencing was intended to be a regime, as I have said on numerous occasions in this house before, to provide a mechanism for sentences to rise for a number of serious crimes.

The way it operated was to introduce median sentences taking statutory form that would preserve for courts the ability to deliver judgements with harsher or lighter sentences for the offences involved, but there was a mechanism which drove sentences towards higher median sentences over time for those crimes.

At the outset I should say that one of the big problems with the bill that is before us today is that it intends to be a replacement for baseline sentencing in a form that the government prefers, and that is its choice, but our great concern about this bill is that it will not produce any change to sentences for the crimes that are stipulated in the bill. The reason for that is that there is no real mechanism to drive sentences to those higher points. All that this bill does is introduce a standard sentence. The courts are not required to do anything more in their judgements than take that into account and explain in their reasons how the sentence they are imposing will relate to that standard sentence.

We cannot see how that, over time, is actually going to drive any change, because you could have in relation to the standard sentences a situation where there is no reason for the average or median length of sentences for the offences concerned to rise over time. Courts could continue to deliver judgements that relate to the standard sentence in the absence of anything that requires them or drives them over time towards higher outcomes for serious crimes, which is what the community wants. Our great fear, as I said a moment ago, is that it is all about spin and trying to demonstrate to the community that something is being done on sentencing for serious and violent crimes but that nothing at the end of the day will really change.

We know that because courts typically have been highly resistant to attempts by Parliament to enact laws in relation to sentencing and sentencing outcomes. With all due respect to our counterparts in the judicial arm of government, they do take a different view, but my view has always been that it is perfectly open to Parliament and the government of the day to set sentencing policy, including maximum and, where appropriate, minimum sentences for crimes.

I am very proud of the fact that the coalition parties have made a strong statement in relation to 11 key violent offences where violent reoffenders face the potential for very hefty mandatory sentences, and that is in part a reflection of the frustration that members of the community feel when they see very light sentences being handed down for violent crimes. So we have made a statement, we have taken a stand and we have been prepared to put out there a policy which will meaningfully entail significant change to sentencing outcomes. This is more about cosmetics and not about the substance of it.

Part of the reason I say that is that the Sentencing Advisory Council, which the government tasked after baseline sentencing was struck down in the Walters decision, prepared a lengthy report which is the basis for the standard sentencing scheme that the government has presented to this Parliament. It is just interesting because it is a lengthy report — several hundred pages long with an enormous amount of data and text in it — and it does recommend the standard sentencing scheme, which this bill embodies, but it is also interesting because I do not think I have ever really seen a public agency spend so much time, taxpayer resources and staff preparing a lengthy report which contains recommendations that the body itself then drops like a hot potato.

I say that because on page 194 of the council's own report — and the report, I will just note for *Hansard*, is *Sentencing Guidance in Victoria*, which was published in June 2016 — where it is talking about baseline, readers of *Hansard* will be interested to know that the body which was recommending this scheme had this to say about this very scheme:

> … there are a number of concerns regarding standard sentence schemes, including:
>
> > increased complexity in sentencing;
> >
> > limited evidence of effectiveness of the standard sentence scheme improving community confidence in sentencing;
> >
> > lack of transparency in identifying offences that should be subject to the scheme …
> >
> > difficulty in applying the standard sentence, and in identifying the 'objective seriousness' of a given offence.

It goes on to say:

> While the council has proposed what it considers to be a rational and transparent method for prescribing the standard sentence with the intention of overcoming the third criticism, nevertheless a number of problems with this method of sentencing guidance remain.
>
> It is not known how the prescribed levels relate to current sentencing practices, given that it is not possible to ascertain the sentences that currently sit at the middle of the range of objective offence seriousness …

and so on. I just have a couple more paragraphs. It goes on to say at paragraph 7.247:

> It is possible that the same issue experienced with baseline sentencing will arise with a standard sentence scheme; namely, the difficulty in determining the features of a 'median' sentence case in order to compare the case at hand with a case deserving of the median sentence. The standard

> sentence does not provide the court with the content of which offending circumstances may represent the middle of the range of objective offence seriousness.

In paragraph 7.250 it goes on to say:

> The council considers that a standard sentence scheme alone cannot adequately provide a court with meaningful guidance. Similarly, guideline judgments suffer from a number of limitations, including that they are, by nature, delivered on an ad hoc basis to address identified issues and cannot comprehensively 'cover the field'.

The point of those long excerpts is really to show that the Sentencing Advisory Council was putting something up that it did not really believe in. It is interesting that for all the criticisms of baseline and what courts and academic critics level at baseline — namely, that it involves a complex transition from existing sentencing practices to a statutorily defined medium and is unworkable — what they have done in this case is simply say, 'We're going to make it 40 per cent'. They have just chosen an arbitrary figure. So all they have done is deprive the courts — and the courts do not realise this either — of the opportunity to manage the transition. They are just being confronted with a 40 per cent standard sentence.

I have been critical of the Sentencing Advisory Council before, and I repeat those criticisms here today. If you are going to make recommendations in a report, you owe it to the government and community you are there to serve that you make recommendations you are prepared to stand by. You do not make recommendations that you are happy to walk away from if it does not work out the way everybody would like. You have to own those recommendations and be prepared to stand by them.

That passage — and there are other passages in the report that go some way towards this as well — demonstrates to me that the Sentencing Advisory Council wants to have it a bit both ways. They want to recommend something, but if it all goes pear-shaped they want to be able to walk away from it and say, 'We told you so'. They want to make the recommendation and then say, 'We told you it was never going to work'. Well, that is not good enough. I have said before in this house, and I do not mind saying it again that, had I been the Attorney-General and received a report like this, I would have sent it back and said, 'You present the government with recommendations you are prepared to stand by. Don't hedge your bets with us'. Nevertheless, we are where we are.

So what is the bill doing? Let me turn to that now. It obviously repeals baseline and introduces these standard sentences, and they are for a number of offences. I will go to those now. This scheme will require sentencing judges to consider the specified mid-range standard sentence for certain offences and explain how any sentence imposed relates to that relevant standard sentence.

Just on that, there is no real indication in the bill of what judges are supposed to do beyond just relate the sentence to the standard sentence. At least in baseline there was a clear intention, as I said, to drive sentences higher, but what it also required was that a court would have to explain why a given sentence was higher or lower than the median or baseline sentence. That did not crimp the judicial discretion that baseline preserved for the courts, but it did then require the courts to be conscious of the fact that the community's expectation is that for these offences sentences were to be higher over time. All that this bill is doing is requiring the court in a given circumstance to explain how it relates to the standard sentence.

That can mean anything. A court could simply say, 'In this particular case, for this particular offence I am imposing a sentence of six years, noting that the standard sentence is 10', and — voila! — it has complied. That is not really the same thing that baseline sentencing entailed, which was that the court was explicitly required to explain why that six-year sentence was being handed down when the baseline was 10 years. There is a huge difference between the two, and that is one of the reasons we fear there is not going to be a real change in sentencing outcomes for these offences. That is clause 19.

One of the key changes made by the bill is in clause 22. The bill requires courts to fix non-parole periods for standard sentence offences. The non-parole period is to be 30 years for a life sentence, at least 70 per cent of the relevant term of imprisonment if that term is 20 years or more, or at least 60 per cent if the relevant term is less than 20 years. In effect, in our view, this is the same as the requirement that existed under baseline. That much we are rather happy with; we are content with that. It has to be said that under this bill there are more offences that will be subject to standard sentencing and in that it goes beyond the offences that were in baseline. But as I said at the outset, that means little if there is going to be no change, and that is the great fear here. There is an attempt to portray this as a strong set of measures applying to a wider category of offences, but really it is meaningless given that there is going to be no change.

I want to spend most of my time this morning talking about the amendments I am proposing to the bill. As I said, we are not opposing the bill, but there are some significant changes that are being proposed in this bill.

Under the Sentencing (Amendment) Act 2003, if I am not mistaken, guideline judgements were introduced. They allow the Court of Appeal to, in very limited circumstances, deliver guideline judgements. This is intended to be an opportunity for the Court of Appeal to explain to all lower courts how they are to apply sentencing and what practices to adopt, and it entails a number of parties being able to make submissions to the Court of Appeal. There has only been one guideline judgement to date, and that was in the case of Boulton & Ors. I think it is fair to say that that decision produced — and I say this with no disrespect to the Court of Appeal — a range of problems which are manifest in our system now and which have required Parliament to take corrective action.

As you may recall, Acting Speaker Thomson, in the case of Boulton the question of the availability of community correction orders (CCOs), which the previous coalition government introduced, was being considered. The question was: could a community correction order be available for a range of fairly serious crimes that would previously have entailed a custodial sentence? There were other aspects of the case but this was the main take-out of the decision. The Court of Appeal in effect held that these CCOs could be used for a range of, in its words, 'relatively serious offences' including rape, child incest and a range of other offences. This took the community, and certainly my colleagues and I, by great surprise.

We were surprised first of all because it was never the intention of community correction orders that they be available as a substitute for custodial terms. What CCOs were clearly intended to do — and their author is next to me, the honourable member for Box Hill — was something that was desperately needed in Victoria when the previous coalition government came to power in 2010, which was to toughen up community-based sentencing. It was seen as a bit of a joke. It entailed home detention and suspended sentences, which were just slaps on the wrist. It was understood and accepted that the community wanted community-based sentencing to be toughened up.

That is what community correction orders were intended to do; they entailed a range of far more onerous conditions that could be imposed on non-custodial orders. For the Court of Appeal to say that the previous coalition government intended that CCOs now be available for offences that would ordinarily and previously have attracted a custodial term was, in our respectful view, completely wrong. Secondly, the decision surprised Victorians because no-one would broadly have accepted that we should have people who are committing such horrifying and heinous crimes being free to be out in the community. The Court of Appeal issued its decision. What followed was a series, almost like the floodgates first opened, of decisions across all of our courts which were seeing CCOs being used for this. I remember members of the Victorian Bar saying to me, 'Everybody just rocks up to court, they cite Boulton and their clients avoid jail when previously they wouldn't'. They were just shaking their heads happily in disbelief that they were getting such favourable outcomes for their clients. So the first and only guideline judgement to date resulted in a potential catastrophe.

There is no way of knowing for sure, but we know that reoffending for people on CCOs, certainly over the last year, has skyrocketed. So we have an unhappy coincidence of the Boulton decision being handed down, which has seen thousands more people on CCOs over time whereas previously they would have been subjected to a jail term, and at the same time you are seeing skyrocketing rates of reoffending. I say 'skyrocketing' because that is the implication of the budget figures themselves, and I said, I think yesterday on another bill, that in the last period alone there has been, on our calculations, a 60 per cent increase — from 20 to 33 per cent — in the budgeted forecast increase in reoffending by people who are returning to corrections after being discharged from a community correction order. That is a 60 per cent increase in offending rates by people on CCOs.

The combination of those two things — the rising reoffending rate and a court decision which opened the floodgates to CCOs — has produced a very difficult set of circumstances. The government has tried to address that belatedly. It took them the better part of two years to respond to that by bringing in legislation which mandated custodial terms for a number of these offences. That occurred far too late, and we have known from the Auditor-General's report that there are an enormous number of high-risk offenders who are out on our streets at the moment on community correction orders when they should not be. We know that. That is a time bomb, sadly. I say this at some length because it is the reason we are proposing these amendments.

What is being proposed in this bill is something which, in our view, does a couple of things. Depending on your view of the world, it transfers a role that this Parliament should have to the Court of Appeal, and we have long had a tradition of separating the powers of the arms of government in this state and in this country. We have the judicial, executive and legislative arms. It has always been the case in Victoria and indeed Australia that we have eschewed the concept of courts issuing advisory opinions. Courts generally are required to do no more than dispose of the controversy before them. We know occasionally courts can go beyond that and issue what

we call obiter, but we call them obiter for a reason. They are not binding to the decision. They were not part of the ratio of the decision, and therefore we might have regard to them but they are in no way binding.

Although the common law itself evolves by way of courts, in a sense creating law, they do it within the doctrine of stare decisis — the idea that precedents build up over time, with each decision potentially adding something to the body of jurisprudence on a particular issue. We do not ask courts to go and issue opinions in the absence of a controversy, and what this bill is proposing in part 4 is to amend the guideline judgement scheme to give the Attorney-General of the day the ability to apply to the Court of Appeal for it to give or review a guideline judgement and to allow a guideline judgement to include an indication of the appropriate level or range of sentences for a particular offence or class of offences.

We take great objection to that proposal. It is not, in our view — and I mean this with no disrespect to the Court of Appeal or the Supreme Court more generally — the place of the Court of Appeal to issue advisory opinions on sentencing like that. Of course it should give decisions on sentencing in the normal course of the appeal jurisdiction of the Supreme Court, but it should not be making decisions in the absence of cases before it on matters that are for this Parliament to determine. The level of sentencing for particular offences in terms of the maximum and minimum are matters for this Parliament, and what the government is doing is washing its hands of responsibility for that and for bringing legislation before this Parliament to address issues of sentencing and community safety.

For the Court of Appeal to be given that role is problematic for us, in light of the fact that the first and only decision has been hugely problematic, together with the fact that this will be broadened enormously to cases that are not before the court — just where the Attorney-General believes a decision is required. If anything, the community at this stage wants governments and parliaments to respond to what they see as threats to community safety. So I am proposing that that be taken out of the bill because, were the Court of Appeal to be given that jurisdiction, it would be important to record for the record that that is not a change that will have passed this Parliament with bipartisan support.

It also entails something which is also potentially problematic. If you are going to ask courts to make pronouncements with full judicial effect on matters that do not involve controversies before the court, on matters that are typically and traditionally matters for legislative and executive disposal — if you are going to hand that to the courts — then courts have to understand, and everybody has to understand, that when you issue a decision in those circumstances you should expect a full and robust discussion around the merits of those decisions.

Given the current crisis in law and order, the community is more active at the moment and more vocal on the issue of sentencing than it has been in the past. I think it is fair to make that assessment. But if you are going to confer on the Court of Appeal this added jurisdiction, it is going to mean that the court itself is going to be caught up in very political discussions at a time when much of the community is calling out for mandatory sentencing.

In parts of our community — and I know this because I travel around the state talking to the community about sentencing and community safety — there are many people who would go well beyond what our system traditionally has featured as part of its criminal justice framework. There are very heated views about sentencing at the moment, and this would be an undesirable change to our sentencing framework. It would put the Court of Appeal, in our view, in a position where it is going to open itself up to very political discussions about the judgements it issues, because they will by definition enter upon what many people would regard as the normal terrain of the executive and parliamentary functions before us.

We will not oppose this bill. I will move the amendments and we will see what the government does, and I hope they will consider them for the sake of the standing of the Court of Appeal over the longer term. We will not oppose it, but this bill, sadly, is going to be portrayed by the government as a correction of the Court of Appeal's decision to strike down baseline sentencing. But, sadly, in our view it is not going to do what is required because, as I said, unlike the work of my predecessor and colleague the member for Box Hill, there is no underlying mechanism to drive sentences to the standard. As I said, decisions only have to relate to the standard, and that could mean anything.

We have here a lot of work that has been done by the Sentencing Advisory Council, which has issued recommendations I fear it does not even believe in or back. We have a bill which is lacking a mechanism to drive tougher sentences, and we have the government foreshadowing that on top of this bill it is going to establish a sentencing council to advise the courts, as it were, on appropriate sentencing outcomes. Let us see how effective that is going to be. It will be open for the courts to completely ignore it. We fear it will be academically and judicially led, which kind of defeats the purpose. If you want to know what the community

is feeling about sentencing, it strikes us as odd that you would have academics and judicial members driving that process. It can completely be ignored. I fear that the government is doing a whole lot of things to portray itself as being active, but like a lot of other bills that come before this house, when you break them down and look at the detail there is little or nothing there.

Having said that, we think that compared to where we are at the moment, with an inoperable baseline scheme, something should replace it. This is far from adequate, but we are prepared to allow it through. But in government we certainly intend to address sentencing in a big way. We have already announced a major package around mandatory sentencing, and we will have more to say on that in the period ahead. On that basis I conclude my remarks.

Mr PEARSON (Essendon) — I am delighted to make a contribution on the Sentencing Amendment (Sentencing Standards) Bill 2017. As outlined in the Attorney-General's second-reading speech, this bill implements the government's response to the Sentencing Advisory Council's report *Sentencing Guidance in Victoria*. The bill that is before the house today builds on the amount of work that the Attorney has already commenced in relation to dealing with sentencing in Victoria.

I believe it was in November 2015 that the government requested that the Sentencing Advisory Council provide advice on the most effective legislative mechanism to provide sentencing guidance to the courts so there is a degree of consistency in relation to sentencing offenders and in order to, I guess, promote greater public confidence in the criminal justice system. It is quite an interesting circumstance that we are fortunate to have a Western liberal democracy with an independent judiciary, and you have the ability for the judiciary to be able to make a decision and have flexibility in its decision-making processes. But at the same time, how do you ensure that in having that independence and that flexibility the actions of the judiciary represent community expectations?

I think if you read the papers or listen to talkback radio, you often hear the anxieties and concerns of the community if they feel that a particular member of the judiciary might have got it wrong in terms of a decision that has been made. It is a challenge to get that balance right, because you want to be in a position where exceptional circumstances or the circumstances of an individual are taken into account by a member of the judiciary — that they have got the ability to weigh up all the various circumstances that lead to a person appearing before the courts. But equally you do need to try and make sure that there is some guidance being provided to the judiciary in terms of the way in which these matters are dealt with. So it is a challenge.

It is also important that legislation reflects the modern times in which we live and that we ensure that we try to keep making improvements to our legislative mechanisms so that they do reflect community standards and sentiments, because the reality is that our community today is different to the one we were living in 10 years ago, 20 years ago or 50 years ago, and the statute books must reflect the times in which we live while not breaching the notion that the judiciary should have a degree of independence from executive government.

The bill is important as well because it does repeal the baseline sentencing scheme, which was introduced by the former government. The then opposition made its concerns quite clear about baseline sentencing, as did the courts themselves. The bill seeks to repeal baseline sentencing and provide a more consistent approach in terms of the way in which sentencing is implemented in Victoria.

What the bill is seeking to do as well is trying to make sure that we as a state make sure that we have got a better and more robust sentencing regime in place. The bill will also repeal the baseline sentencing provisions which have remained inactive on the statute books since the Court of Appeal ruling of 2015. The bill gives effect to that, and I think that is important.

We are fortunate in terms of the work of the Sentencing Advisory Council. I think it is important that as legislators we have the ability to allow the Sentencing Advisory Council to do this work and to provide advice to government. I think it is sometimes important to have a degree of contestability in relation to the way in which policy and legislation is developed. I do not think you want a set of circumstances where the government of the day is captive and dependent upon one stream of advice. Certainly in my experience you do want to find a way in which there is a degree of contestability in this space.

There is the Edward de Bono black hat theory of having someone or a group offering an alternative perspective, an alternative view, to challenge the dominant paradigms, for want of a better example. Having the Sentencing Advisory Council in place to do work of this nature, and specifically for sentencing guidance in Victoria, which it reported on, is really important. It makes sure that we do have that level of contestability. You want to try and think about these issues from a number of different angles; you want to try and provide a number of different perspectives. I think as a legislator you want to be in a position where you have those different perspectives brought to bear so that ultimately you end up with a much more robust and a

much more resilient bill that comes before this place and ultimately becomes an act of Parliament. I think that is where you aspire to go with these things.

I do commend the Attorney-General for his work in this space. From the government's perspective it is about doing that really wideranging, detailed, substantive work across a number of areas to ensure that the sentencing regime, the regulatory regime that is in place, reflects the desires of Victoria in 2017 and for future years — that you do find a way to examine this quite closely. You make sure that you update the statute books to reflect the will, wishes and desires of the community. To do that work, and to do that work well, you have to be quite disciplined and focused, and you have to ensure that the work is done quietly, methodically and thoroughly.

I think sometimes in these areas, particularly where it is quite complicated and where it is quite involved, if you act in haste, you repent at leisure. You could find yourself in a situation where in trying to rush something through quite quickly without having done the really hard work you end up with a suboptimal outcome. I think what the Attorney has done with his work in relation to the Sentencing Amendment (Sentencing Standards) Bill 2017 is to try and ensure that this issue is addressed and dealt with quite effectively.

It does take time and it does take a lot of work, but it is about making sure that the regime that is in place in relation to sentencing preserves the independence and integrity of the judiciary but also that standards are put in place which reflect community sentiment. It is a really hard balancing act; it is a very, very difficult balancing act. It requires an awful amount of work and focus to try and get that right, because if you get it wrong, if you deprive the judiciary of too much independence, then you do run the risk of becoming like Singapore and becoming a nation with a really onerous and burdensome arrangement. I commend the bill to the house.

Mr CLARK (Box Hill) — When the courts fail to give effect to the intentions of this Parliament on behalf of the community, it is the responsibility of the government of the day to introduce legislation to put them right. If the government of the day does not do so, it de facto endorses what the courts have decided.

Here, by failing to put right the decision of the Court of Appeal in its baseline sentencing judgement of November 2015, the Andrews government has de facto endorsed reducing the average sentence for sexual abuse of a child aged under 12 from 10 years to three and a half years. It has de facto endorsed the reduction of the average sentence for large commercial drug trafficking from 14 years to seven years, and it has de facto endorsed large reductions in the average sentences for murder, incest and culpable driving causing death.

The government should have acted urgently to ensure the courts understood and applied the intentions of Parliament on behalf of the community — that there should be stronger sentences for these crimes to better deter offending and keep the community safe. Instead it stood back and allowed the stronger sentences introduced by this Parliament under the previous government to be reduced back to the appallingly low levels to which the sentencing practice of the courts had taken them, levels which the community rightly recognised were, and now unfortunately remain, woefully inadequate.

Today, more than 18 months after the Court of Appeal refused to apply the stronger baseline sentences legislated by the Parliament, we are considering this bill introduced by the government for a hopelessly inadequate replacement. It is an illusory reform because it purports to impose stronger sentencing but in fact it does not do so. It keeps the skeleton of the baseline sentencing regime, but it rips the guts out of it. The essence of baseline sentencing is to require large increases in the median or average sentence for each offence to which baseline sentencing applies, whilst still allowing departures from the average — up or down — based on the individual facts of each case.

The key element of the baselines reform, to ensure this requirement is being met in the sentences that the courts are handing down, is something that is capable of being measured by a verifiable, objective measure — namely, the median sentence that over time is found to be applied. If it is objectively manifest that that is being departed from, the Court of Appeal is obliged to intervene and require a change to sentencing practice. Without such an objective external measure, almost any qualitative description of sentencing level used by this Parliament can be misapplied, can be misinterpreted, resulting in no solution to the problem that we are trying to solve — namely, a current sentencing practice that is way out of line with what is needed and way below what is needed to keep the community safe. Yet this key element of objective verification is missing from the test that is being introduced by this so-called standard sentencing regime.

It is a regime that in essence is based on the Sentencing Advisory Council (SAC) report of 2012 under the previous government, a report that we did not accept the core element of, because our conclusion was that it would not work — that it would not be effective for the very reasons that the bill before this house is not going to be effective in mandating a change of sentencing

practice. The government has commissioned further work from SAC, and SAC has come back with an additional report. But the conceptual structure of the model that is being introduced in this bill is what the council recommended in 2012, which, as I say, the previous government concluded would not work to achieve its objectives, and under this bill will not work to achieve its objectives.

Let me go to the key problem with the bill. The bill introduces a requirement in proposed section 5A that where a standard sentence is applicable, and I quote:

> (b) the period specified as the standard sentence for the offence is the sentence for an offence that, taking into account only the objective factors affecting the relative seriousness of that offence, is in the middle of the range of seriousness.

Then later on, in proposed section 5B(2) it says:

> (2) In sentencing an offender for a standard sentence offence, a court—
>
> (a) must take the standard sentence into account as one of the factors relevant to sentencing; and
>
> (b) despite section 5(2)(b), must only have regard to sentences previously imposed for the offence as a standard sentence offence in relation to the sentencing for which this section applied.

Key to this standard sentencing regime is that the standard sentence is something determined, as the bill puts it, 'taking into account only the objective factors affecting the relative seriousness of that offence', being 'in the middle of the range of seriousness'. In other words, if you take a particular offence, you imagine the worst possible instance of that offence, not having regard to matters specific to the individual offender but having regard to the actual offending. You imagine the worst possible instance of that offence, then you imagine the least possible instance of that offence and then you seek to imagine an example of that offence that would be midway between the worst and the least serious of those offences. That is the mid-range of seriousness to which the standard sentence is expected to apply. I think it would be obvious to members just from the way I have described it that even at that point it is an incredibly subjective process. Despite the use of the word 'objective' to distinguish it from factors specific to a particular offender, it is highly subjective.

The way to reinforce that conclusion is to say that, if you look at the whole range of instances of offending that are actually going on in committing that offence, you could have 85 per cent to 90 per cent of the instances of that offence — that is, 85 to 90 per cent of the cases coming before the court for sentencing — which the court could legitimately say are below that imaginary midpoint to which the standard sentence applies. So 85 per cent, 90 per cent, whatever — a huge percentage of all the cases being sentenced — can be given a sentence that is less than the standard sentence and doing that will still be consistent with this legislation. It has no teeth at all in requiring a change of sentencing practice for that reason alone. It is a nebulous concept, a highly subjective concept. You can understand it as a matter of words, but to apply it factually is highly subjective and highly open to contest.

On top of that, you have got the fact that the only obligation of the court in relation to the standard sentence is to take it into account as one of the factors relevant to sentencing. Even that is far from crystal clear. I am not even sure if the government intends it to be mandatory for this hypothetical mid-range of seriousness case to get the standard sentence, or whether the court simply has to take it into account. But even if you put the better interpretation on it, it is hopelessly inadequate.

The only element of the bill that gives some opportunity for the courts to change the way they have been acting in the past on these new standard sentence offences is the proposed new 5B(2)(b), which tells the courts that they are to disregard — to wipe the slate clean of — prior sentencing practice in relation to those offences. So they are given an opportunity to break free from past sentencing practice, but this standard sentence regime does not require them to do so.

The only way in which the bill is going to work is if the courts choose to take it as an opportunity to increase sentence levels for these relevant offences, but there is no obligation for them to do that. We will continue to be dependent on the unreliable, unpredictable vicissitudes that unfortunately have developed in the decisions over recent years handed down by the Court of Appeal, and that give the community no confidence that this measure is going to tackle the fundamental problem — that many of the sentences being handed down in courts in Victoria at this time are hopelessly inadequate to properly protect the community.

As I said at the outset, when the courts fail to give effect to the intentions of Parliament on behalf of the community, the government should act to put them right. The government should have acted here, and they have failed to do so.

Mr CARROLL (Niddrie) — It is my pleasure to speak on the Sentencing Amendment (Sentencing Standards) Bill 2017. At the outset I think it would be remiss of me not to pull up the member for Box Hill and the member for Hawthorn who said, 'What's taken you so long?'.

Do not take my word for it; take the Victorian Court of Appeal's that said that their two-year sentencing scheme was completely unworkable. When we came to office the Court of Appeal handed down its decision that found that baseline sentencing was completely unworkable. We must remember too a little bit of history. The baseline sentencing regime under the former government was their signature law and order, tough-on-crime policy. And how long did it last? The government lasted four years. Their policy lasted two years, and it has taken us two years to fix it.

The Attorney-General took the considered approach. He made sure that he then did a reference, as the member for Box Hill well knows, to the Sentencing Advisory Council. I have had the pleasure of meeting Arie Freiberg and seeing some of the fine work that he has done, and I believe the legislation we are putting in place today and passing with the support of the opposition will stand the test of time.

Our legislation is based on the New South Wales model that has been there for 14 years. It has been all the way to the High Court, and it is grounded in evidence. Unlike the opposition's policy, which lasted two years, we have a sentencing scheme based on New South Wales', which lasted 14 years. Their scheme lasted two years, their government lasted four years. This government will last a lot longer than that, and our sentencing regime will stand the test of time. It has been to the High Court. It has been in New South Wales for 14 years. The Sentencing Advisory Council, through the great work of Arie Freiberg, have come back to the Attorney-General through their report, and it will be an important piece of legislation that passes the lower house with the support of the opposition.

I want to talk about the fact that the Law Institute of Victoria have also welcomed this piece of legislation, and they also welcome the scrapping of baseline sentencing. If I go to my *Law Institute Journal*, the Attorney-General that is sitting in front of me in June 2015 said:

> We take on board the criticisms, we treat them very seriously, and what we want to do, going back to the evidence-based approach, is look to see whether those criticisms and concerns come to fruition. If they do, we will consider how and whether it needs to be modified or amended.
>
> …
>
> The judiciary has expressed concern about having their sentencing discretion fettered. I understand that concern but the most important thing for our government is to assess how these changes work as against their objective which was to make the community safer.

We do not apologise for the investments we have made in law and order, in the justice system to make the community safer. This standardised sentencing regime, which has been in New South Wales for 14 years and has been to the High Court, has been tested. The baseline sentencing of those opposite lasted two years. It took us another two years to fix it up, which is what we are doing here today. I think the Attorney-General should be commended for the work he has done. I should also commend Arie Freiberg at the Sentencing Advisory Council out at Monash University. I have had the pleasure to work with Arie. He is a man of strong principles.

Business interrupted under sessional orders.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Counterterrorism

Mr GUY (Leader of the Opposition) — My question is to the Premier. There are 22 people in anti-radicalisation programs that the state needs to keep track of, and over the last two days you, the Deputy Premier, the police minister and the corrections minister have given contradictory information about how many of these offenders are in prison and how many are in the community. Despite tabling a written answer to this question in the upper house at 1.00 p.m. yesterday, by 6.00 p.m. your corrections minister, the fourth one, had tabled yet another different answer.

Premier, with half a dozen different replies to a simple question of community safety, can you now tell us how many of the 22 individuals in these anti-radicalisation programs are on the streets in the community today?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. Yesterday I made the point that none of those 22 were on parole, and that is accurate. Beyond that, whether it be persons of interest or those that are involved in programs such as this, it is the advice of Victoria Police that no further comment should be made.

Honourable members interjecting.

The SPEAKER — Order! I warn all honourable members not to shout across the chamber. I will not hesitate in removing members from the chamber without warning.

Supplementary question

Mr GUY (Leader of the Opposition) — On Tuesday you said in *Hansard*:

> … Victoria Police, the Australian Federal Police and our security intelligence agencies work very closely together. You

> could not, I think, get a more cooperative model around threat assessments …

Not 24 hours later you said the federal and state agencies needed to work closer together and you blamed federal agencies for not participating in parole decisions despite you never having asked them to do so. Premier, which Daniel Andrews is correct — Tuesday's Daniel Andrews who said you could not get a more cooperative model or Wednesday's Daniel Andrews who was looking to shift the blame?

Honourable members interjecting.

The SPEAKER — Order! If honourable members on either side of the house wish to leave the chamber, they should continue shouting across the chamber.

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. It is a fact that our relationships, our partnerships between Victorian law enforcement and other agencies, whether it be ASIO or the Australian Federal Police or indeed others, are strong and are valued by me and by our government — very highly valued. The notion, though, that you would not seek to further improve them is not one — —

Honourable members interjecting.

Mr ANDREWS — I have made it very clear that the government believes that this is no laughing matter — that is the first point. The second point is that when it comes to some decisions in our criminal justice system the best approach would be to have all authorities involved in those decisions directly, not simply as advisers but directly involved in the interests of the safety and security of every Victorian and every Australian.

Ministers statements: counterterrorism

Mr ANDREWS (Premier) — I rise to update the house on work the government is doing in response to recent terrorist incidents, both in Brighton and in other parts of the world. Violent extremism is tragically a reality that we have to confront in our state and our nation and across the world. I would have thought that was clear to everybody. The government will do everything we can to ensure that Victorians can go about their business, and that is why Victoria Police have put in place additional measures, including additional police presence, and a range of other steps to ensure that everything that can be done to secure and keep safe citizens at sporting events, transport hubs, in all settings, across this coming busy long weekend is being done.

Victoria Police briefed the media and through them the community on those steps today. I congratulate and thank Victoria Police for the diligent, careful and determined way in which they respond to events and to threats every hour of every day. I think all Victorians can have confidence and pride in our police and their partners that they are doing this important work. People will see additional police out at sporting events and places of mass gathering over the weekend. I am certain that will be a source of reassurance to them, knowing that Australia's best police force is there to provide them with support.

Beyond that, tomorrow I will take to the Council of Australian Governments a series of proposals, one of which includes better partnerships between agencies. Another includes the deployment of a specialist Australian Federal Police force at Melbourne Airport and Avalon Airport — a permanent specialist force at the airports. That is among a number of proposals we will advance to keep Victorians and Australians safe.

Brighton incident

Mr GUY (Leader of the Opposition) — My question is to the Premier. Recommendation 13 of the Callinan review states no person, whether a potentially dangerous parolee or not:

> … should be granted parole who has not behaved satisfactorily for at least the second half of that person's time in prison. Failure to meet these requirements should be clear disqualifications for parole.

Yacqub Khayre was convicted for arson committed in prison in both February 2014 and 2015. Khayre served four years and seven months before he was paroled. The second arson incident, in February 2015, was committed in the second half of his jail term. Premier, why is it that this man was released on parole despite his actions clearly breaching recommendation 13 of the Callinan review?

Mr ANDREWS (Premier) — Can I thank the Leader of the Opposition for his question and make a very clear point that — —

An honourable member interjected.

Mr ANDREWS — Well, the coroner is conducting an inquiry into these matters. That is apparently something you ought to laugh about; you should laugh about that. The coroner is conducting an inquiry. Victoria Police are involved in an active investigation into not only what occurred in Brighton but also any contributing factors to the tragedy that we saw on Monday evening. More generally, can I indicate to the Leader of the Opposition that there are half the number of people on parole today in the Victorian community

than just a few years ago. The government was left quite some implementation to do — —

Mr Guy — On a point of order, Speaker, it was a clear question about why Yacqub Khayre was released on parole despite his actions breaching recommendation 13 of the Callinan review. The Premier has not answered anywhere near the specifics of that question.

An honourable member interjected.

Mr Guy — Yes, really. I ask you, Speaker, to please bring him back to answering that serious question.

Ms Allan — On the point of order, Speaker, the Premier was being directly relevant to the question that was asked. It went to matters regarding the Callinan review and parole and the individual concerned in the incident this week. I think the Premier should be allowed to continue to answer the question and not be interrupted by this point of order.

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

Mr ANDREWS — Just to be clear about this, there is a coronial inquiry going on. That should be allowed to run its course. There is an active police investigation — —

Mr Guy — On a point of order, Speaker, the Premier is referring to a coronial investigation. I am asking about Yacqub Khayre in jail, not a coronial investigation. I am asking about this man, when in jail, breaking actions that are contrary to the Callinan review. I am not asking about a coronial investigation. I am asking a clear question about breaching Callinan reforms that the Premier has not answered.

The SPEAKER — Order! I note that the Premier has just under 2 minutes left to continue his answer. I ask him to answer the question.

Mr ANDREWS — The point that I am attempting to make is that if there are any learnings — and I would have thought there would be no debate about this, given that the process of the Callinan review was begun by those opposite — if there are further reforms that need to be made to our parole system and implemented largely by this government — —

Honourable members interjecting.

Mr ANDREWS — Thank you, whichever shadow minister made that point. If there are further improvements and strengthening that needs to be made to parole as a result of the police investigation and the coroner's investigation, then the government will not hesitate to make those changes, just as we did not hesitate to implement all the unfinished business on Callinan left to us by those opposite.

Honourable members interjecting.

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

Supplementary question

Mr GUY (Leader of the Opposition) — Yesterday the corrections minister told upper house question time that the full review into the Brighton terrorism incident that saw an innocent man killed and three police officers injured will be conducted by the Office of Correctional Services Review within the department of justice. This office rarely, if ever, makes their reports public. Premier, will you now commit to appointing an independent third party to conduct a full and transparent investigation, with findings to be made public, into the fatal terror incident?

Mr ANDREWS (Premier) — I thank the Leader of the Opposition for his question. As I indicated in my answer to the substantive question, there is a police investigation and there is a coronial inquiry. The coronial inquiry will be the subject of a coronial report. It will be an open inquest, as it should be. Just as we have done in other matters, if the coroner at any point seeks additional resources or any other support she might need to do that important work — which, I might remind the Leader of the Opposition, is a public process — then we would stand ready to provide that to her. The question seems to either forget or be unaware that the coronial process is in fact a public process.

Ministers statements: counterterrorism

Ms NEVILLE (Minister for Police) — Terrorism knows no boundaries, whether state, national or international. That is why Victoria Police —

Mr R. Smith interjected.

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

Ms NEVILLE — works side by side with the Australian Federal Police (AFP) and ASIO — in fact I have had the opportunity to meet with and talk with the joint counterterrorism team, and they literally sit next to each other in Victoria Police offices — and that is why we have invested over $60 million in strengthening our counterterrorism command. The system we have in place is the envy of other states. That is why we have

also made significant changes to our laws to give police the powers that they need.

But of course there is an opportunity for the federal government to provide greater assistance. This is a national and an international issue. One of these issues was highlighted recently, when we look at the hijacking of the Malaysian Airlines flight. Airports are under the jurisdiction of the federal government — they are on federal land — and under the jurisdiction of the AFP, but as is always the case and will always continue to be the case, we provide additional support. Our specialist police and our general duties police will respond to an incident when called by the AFP.

In this day and age, with the heightened threat level and with the issues we have seen internationally around aircraft and airports, it is appropriate for the AFP and the federal government — for Malcolm Turnbull — to look at having a permanent tactical response at the airport. Our officers of course will back the AFP, but we should have somebody there when an incident occurs. We are not able to be there. We are not permanently placed there. In fact we are not able to be — it is against the law. We need the AFP to call us in. We are calling on Malcolm Turnbull to not just be a commentator on the sidelines but to work with us, improve the system, improve safety for Victorians and improve the safety of Melbourne and Avalon airports.

Parole reform

Mr CLARK (Box Hill) — My question is to the Premier. On Tuesday the Premier told us that the Callinan review reforms have been implemented. Yesterday the Deputy Premier said the Callinan reforms had been fully implemented, yet the corrections minister just yesterday tabled in the Legislative Council a written response stating that the implementation of the very first measure recommended by Ian Callinan, QC, is still 18 months away. Is the corrections minister wrong, or are the Premier and Deputy Premier both misleading the house in claiming that the Callinan review has been fully implemented?

Honourable members interjecting.

The SPEAKER — Order! If members wish to remain in the house for the remainder of question time, I suggest they cease shouting across the chamber.

Honourable members interjecting.

The SPEAKER — Order! The members for Kew and Ripon are warned.

Mr ANDREWS (Premier) — I am indebted to the member for Box Hill for reminding the entire house that so much of this work was left to this government to do. I stand by the comments that I have made, as the advice I have is that 23 measures were identified, 22 of those have been completed, one is ongoing, and that has been well known.

Supplementary question

Mr CLARK (Box Hill) — Given the Premier's admission that both he and the Deputy Premier have given incorrect information to this house — —

Honourable members interjecting.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Kew

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

Honourable member for Kew withdrew from chamber.

Honourable members interjecting.

The SPEAKER — Order! The member for Macedon is warned, as are the members for Dandenong and Bentleigh.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Parole reform

Supplementary question

Questions and statements resumed.

Mr CLARK (Box Hill) — Given the Premier's admission, I refer him to the fact that his first corrections minister, Wade Noonan, promised that the Callinan review's recommended information technology reforms, which were designed to allow the parole board to properly case manage dangerous criminals and keep the community safe, would be operational by December 2015. Why then has the Premier allowed his fourth corrections minister to blow out the completion time for this vital parole reform until three years later — namely, the end of 2018?

Honourable members interjecting.

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

Ms Staley interjected.

The SPEAKER — Order! The member for Ripon!

Mr ANDREWS (Premier) — I can advise the former Attorney-General that apart from having to fix his absolutely botched baseline sentencing — —

Honourable members interjecting.

The SPEAKER — Order! The members for Ivanhoe and Niddrie are warned.

Mr ANDREWS — I am advised that there were as many as eight recommendations where no work had been done at all. Let me assure the member for Box Hill that the last person that I will be taking lectures from on implementing Callinan is the member for Box Hill.

Mr Clark — On a point of order, Speaker, I draw your attention to sessional orders enabling you to require a written answer when an oral response has been non-responsive. I submit that the Premier's answer was entirely non-responsive to my question. It was contentious of this Parliament, and I ask you to require him to provide a written answer.

The SPEAKER — Order! I will consider the matter at the conclusion of question time.

Ministers statements: major event security

Mr EREN (Minister for Tourism and Major Events) — I rise to update the house on major sporting events taking place in Victoria over the next week. Once again the Andrews Labor government has attracted the best of the best to Melbourne, with of course Brazil and Argentina facing off at a near-sold-out MCG on Friday night. The Wallabies will be taking on Fiji in the international Rugby Union competition on Saturday, and our Socceroos will face Brazil on Tuesday night at the MCG. These events are what make Melbourne and Victoria great and are enjoyed by locals and visitors alike. Our visitors contribute some $22 billion to Victoria's economy each year.

Sadly we have seen violent extremism around the world. The recent events in Manchester are a tragic reminder of the importance of tight security at major events. Unlike the federal government and those opposite, the Andrews Labor government takes action on national security issues, and we need to see greater unity on this important issue. That is why we are boosting police numbers in Melbourne and around our sporting precinct over the weekend. This weekend Victorians will see a ramped-up police presence around transport hubs and central locations such as Federation Square. We are in close contact with Victoria Police and sporting venues about ensuring there are appropriate security measures at all major events. These measures will ensure the safety and wellbeing of spectators and event-goers.

We are doing our bit, and we need the federal government to do more. Tomorrow at the Council of Australian Governments meeting the Premier will be taking a number of counterterrorism measures to the Prime Minister. Fencing and blocking technology, which allows authorities greater control over telecommunications in emergency situations, is important and has been used in other jurisdictions. This technology should be made available across all states and territories for the benefit of Australians and visitors alike.

Ministerial code of conduct

Mr HIBBINS (Prahran) — My question is to the Premier. In the Public Accounts and Estimates Committee hearings the Minister for Consumer Affairs, Gaming and Liquor Regulation said she had not met with Stephen Conroy, who is both a member of the ALP national executive and is also acting as a lobbyist for the gaming industry. She went on to say she would only meet him with an independent witness, and then I understand that later she said she would not meet him at all. However, the Treasurer, I understand, has said that he has met with Mr Conroy. Premier, will you direct all your ministers not to meet with Stephen Conroy whilst he acts as both a lobbyist and an ALP factional powerbroker?

Mr ANDREWS (Premier) — I thank the member for Prahran for his question. Each and every minister in the government is fully aware — when it comes to tender processes, licensing processes, all processes that are active and competitive — of their considerable obligations to always act with utmost probity.

Honourable members interjecting.

Mr ANDREWS — There is laughter from those opposite. They are struggling to work out what that term means. I would indicate to the member for Prahran that neither I nor any of my ministers would be off having meetings, for instance, in a kitchen deciding how to rezone land. We would not be rezoning land in someone's kitchen. We would not, with the stroke of a pen — —

Honourable members interjecting.

The SPEAKER — Order! Members will cease shouting across the chamber.

Mr ANDREWS — You do not like it, do you? You do not like it. Captain Probity over there does not like it very much. I tell you the other thing, member for Prahran, that we would not do. We would not, with the

stroke of a pen, change Fishermans Bend's entire zoning against the advice of our department. We would not do that either. I can assure the member for Prahran that each and every member of the government is fully aware and compliant with their probity obligations.

While I am at it, there are a few other things we probably would not do. We would not necessarily take $500 000 from a gaming tycoon.

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order.

Mr R. Smith interjected.

Mr ANDREWS — What is more, I can inform the member for Warrandyte that in the event we were to get the biggest donation in Australian political history, we would declare it. You always know he gets louder and louder the more upset he is. The Prince of Probity over here, I am sure he has got white shoes on under the table there — the Captain of the White Shoe Brigade!

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Warrandyte

The SPEAKER — Order! The member for Warrandyte will not shout at the Chair. The member for Warrandyte will leave the chamber for a period of 1 hour.

Honourable member for Warrandyte withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministerial code of conduct

Questions and statements resumed.

Mr Hibbins — On a point of order, Speaker, on relevance, I think the Premier has had a bit of fun with his answer, but I would ask you to direct him to actually answering the question.

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

Mr ANDREWS (Premier) — I do thank the member for Prahran for his question, and I want to again assure him that despite the numerous examples of how not to act just sitting across from me here, all of us in the government are fully aware and fully compliant with our obligations — —

The SPEAKER — Order! The Premier's time is completed.

Supplementary question

Mr HIBBINS (Prahran) — I have a supplementary question to the Premier, and I am glad he mentioned rules and obligations, because the federal code of conduct for lobbyists states that 'a member of a state or federal political party executive, state executive or administrative committee (or the equivalent body)' cannot be a registered lobbyist. Premier, will you commit to adding this provision to the state code of conduct so lobbyists cannot also be party political factional powerbrokers like Stephen Conroy?

Mr ANDREWS (Premier) — The member for Prahran raises issues in relation to the federal code. I do not have a copy of that code in front of me, but I will take the member for Prahran's word for it as to the terms and conditions of it. I have no announcements to make about the state code today, but I am more than happy to discuss these matters with the member for Prahran — happy to.

Ministers statements: aviation industry

Mr NOONAN (Minister for Industry and Employment) — I am very pleased to rise and update the house on the importance of the aviation industry to the Victorian economy and, of course, jobs. Victoria's aviation industry is worth more than $1 billion to the state's economy, and that is why we work so hard to attract new airlines to fly in and out of Melbourne, obviously to boost tourism and create jobs.

We have seen some good recent announcements in relation to international airlines choosing to fly in and out of Melbourne. In fact just last month the Minister for Tourism and Major Events announced that SriLankan Airlines will commence operating a daily service from Melbourne to Colombo, a fantastic announcement that will see about 100 000 seats on that route every year. On the same day we saw Japan Airlines announce that it will commence a daily direct service from Melbourne to Tokyo. What a great outcome that is as well. These announcements will mean that 31 international airlines will soon be flying in and out of Melbourne Airport. Airports like Melbourne and Avalon are very important for local jobs. Operations at Melbourne Airport directly support

14 000 jobs, and that figure is expected to grow by about 9000 or 10 000 up to 23 000 by 2033. I know our northern suburbs MPs are aware that two-thirds of those jobs are filled by local residents.

Last year Melbourne Airport experienced record growth in passengers — more than 34 million people through the gate. If people feel unsafe at our airports, it will diminish our global reputation, and that is the last thing we want. As the Minister for Police said, international airports are governed by federal legislation. That is why the Prime Minister has to step up and protect our airports, protect our passengers, protect our industry and protect jobs. That is what the Prime Minister must do.

Fire services

Mr BATTIN (Gembrook) — My question is to the Minister for Emergency Services. Yesterday you said that the government is going to conduct an exhaustive executive search for the commissioner of Fire Rescue Victoria. Minister, is it not the case that any executive search would be a sham and a waste of money, as Canadian fire unionist Ken Block has already been approached and promised the job of running Fire Rescue Victoria?

Mr MERLINO (Minister for Emergency Services) — No.

Supplementary question

Mr BATTIN (Gembrook) — Minister, with Canadian fire unionist Ken Block proudly declaring to Canadian media on 11 June 2012 that 'I view the position of firefighters union president to be an equivalent to the position of the fire chief', can you advise whether your supposed selection panel for the Fire Rescue Victoria commissioner will include any volunteer representatives, such as the Volunteer Fire Brigades Victoria (VFBV)?

Mr MERLINO (Minister for Emergency Services) — I thank the member for Gembrook for his supplementary question. Such an independent body! It has been so independent over recent years! There was not a squeak out of the VFBV when you cut $66 million out of fire services — not a squeak while those opposite denied presumptive rights, while those opposite cut the fire services budget. There will be an exhaustive process, as there should be. We will get the very, very best person for the job of Fire Rescue Victoria commissioner.

Mr Battin — On a point of order, Speaker, on relevance, we are talking specifically about a job position that we already know is a sham, with an article, which I am happy to table, in relation to Ken Block and his statements around the chief. We are asking: why are volunteers not getting an opportunity to have a say in the FRV, which will effectively dictate what they can do in the state of Victoria?

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

Mr MERLINO — Dear oh dear! The fire services reform is restoring the Country Fire Authority to a volunteer organisation and giving them $100 million of additional funds, and Fire Rescue Victoria, a single career service, will be headed up by the very best commissioner.

Ministers statements: parole laws

Mr PAKULA (Attorney-General) — I rise to indicate the government's rejection of the Prime Minister's notion that state attorneys-general or indeed politicians generally should determine parole in individual cases. It is not just Victoria that rejects this; the South Australian Attorney-General, John Rau, and indeed the New South Wales Attorney-General, Mark Speakman, have already rejected this idea, and with good reason. It is a ludicrous suggestion that any Attorney-General should make these decisions, and no Attorney-General could support it.

It has been the strangest of a number of strange interventions by the Prime Minister. The chair of the Adult Parole Board of Victoria has already slammed his recklessness and the fact that his proposals would reduce community safety. It was amazing to the government that the Prime Minister's first response to tragedy — to terror — would be to attack the Premier of the state in which it occurred. The only other world leader that has adopted this approach has been Donald Trump in attacking the mayor of London. And while I am no fan of former Prime Minister Abbott, I very much doubt that his response to terror would be to work up a line with the Leader of the Opposition.

By contrast, the Premier has proposed a cooperative approach, with cooperation about parole decisions with the Australian Federal Police (AFP) and ASIO, a 24/7 AFP presence at our airports and better application of technology. With the Council of Australian Governments on tomorrow, it is not too late for the Prime Minister to show leadership. It is not too late for him to be at least a version of the Malcolm Turnbull we thought we were getting. It is not too late for him to redeem himself.

CONSTITUENCY QUESTIONS

South Barwon electorate

Mr KATOS (South Barwon) — (12 789) My constituency question is to the Minister for Roads and Road Safety. When will VicRoads work with Mr Leigh Bennett of 255 Mount Duneed Road, Mount Duneed, to alleviate flooding to his property as a result of inadequate drainage infrastructure on Mount Duneed Road? As a result of the minister's directive that VicRoads are not permitted to speak to me, I unfortunately have to raise this matter in Parliament.

When Mount Duneed Road was upgraded, the culverts out the front of Mr Bennett's property became too high and as a result the water running off Mount Duneed Road does not drain as it should. Unfortunately the water now heads through Mr Bennett's property. On 24 April this year there was severe damage to Mr Bennett's property as a result of heavy rains. His sheds were flooded and a dam bank was nearly destroyed by the excess water running through the property. Mr Bennett informs me that VicRoads is trying to pass the blame to the Surf Coast shire, but Mount Duneed Road is a VicRoads road. Instead of passing the buck, can the minister ensure that VicRoads works with Mr Bennett to fix this problem?

Yuroke electorate

Ms SPENCE (Yuroke) — (12 790) My constituency question is to the Minister for Industry and Employment, and I ask: what is the government doing to support apprentices and, in particular, to fill any gaps in helping apprentices to get a job? Local residents seeking an apprenticeship often contact my office to seek advice about opportunities in the local area. These are people who have searched exhaustively for local opportunities and are contacting my office as a last resort. That is why it is so important not just to identify gaps in current services but to make sure that we are doing everything we can at the state level to address them. I know local residents would appreciate information from the minister on this vital issue.

Lowan electorate

Ms KEALY (Lowan) — (12 791) My question is for the Minister for the Prevention of Family Violence. The information I seek is: where will the sole family violence support and safety hub be located in the Department of Health and Human Services western region? Almost one-quarter of the state is represented by the western region of the Department of Health and Human Services, yet the government has only allocated one support and safety hub for the entire region. This provides inequitable access to this important resource. Police, counsellors, victims of family violence and concerned constituents have all raised concerns about having only one family violence support and safety hub in this enormous area. There has been no community consultation; there has been no consideration of the impact of travelling such large distances across this region, given we have some of the highest rates of family violence in the state. I therefore ask the minister: where will this one hub for a quarter of the state be located?

Narre Warren South electorate

Ms GRALEY (Narre Warren South) — (12 792) My question is to the Minister for Education and concerns Kambrya College in my electorate, and I ask: when will the architectural designs for the school's new $3 million multipurpose facility be completed? I know that the school and architects McGlashan Everist are hard at work designing this much-needed new facility. This state-of-the-art facility will replace portable classrooms with a brand-new building that will house new classrooms and a multipurpose facility. The multipurpose facility will also be available for use by the local community. I am really excited to see the school's vision become a reality and cannot wait to see the designs for their new facility at our very own revolutionary school.

Sandringham electorate

Mr THOMPSON (Sandringham) — (12 793) My constituency question is directed towards the Minister for Education. The Sandringham East Primary School community has done a massive amount of work to bring about reinvestment in the school through the master planning process and capital upgrade funding, and there were positive indications that funding would be available in this year's budget. I ask the minister: will funding be delivered to the Sandringham East Primary School as positively indicated, this year?

Carrum electorate

Ms KILKENNY (Carrum) — (12 794) My constituency question is for the Minister for Energy, Environment and Climate Change. Minister, how will the recent announcement by the Andrews Labor government welcoming plans for Australia's first offshore wind farm in Gippsland assist us in meeting our 2025 emissions target and our 40 per cent renewable energy target by 2025?

I have met with many local residents and environmental groups and with local representatives from Environment Victoria who want to know what this

wind farm will mean for Victoria and Victorian jobs and how it fits into our climate change framework.

My constituents are deeply concerned that the federal Liberal government wants to allow the Clean Energy Finance Corporation (CEFC) to fund new coal stations and that it will continue to attack renewable energy jobs and investment. The CEFC was established to fund renewable energy, energy efficiency and low-emissions technologies; however, it is not allowed to fund such projects. Those opposite want to join the US in withdrawing from the Paris climate change agreement. My constituents and I look forward to the minister's response.

Burwood electorate

Mr WATT (Burwood) — (12 795) My constituency question is to the Minister for Roads and Road Safety. I notice that in this year's budget there is an allocation of $7.7 million for repairing noise walls along the Monash, Eastern, Frankston and South Gippsland freeways — 65 kilometres of freeway, I estimate. Given that the Monash Freeway does actually run through my electorate, the question I have is: where particularly could we expect repairs of noise walls — at which locations and how much? Where is it being fixed?

Essendon electorate

Mr PEARSON (Essendon) — (12 796) I direct my constituency question to the Minister for Industry and Employment. I ask: what is the latest information about the Jobs Victoria Employment Network program being delivered via the Wingate Avenue Community Centre in Ascot Vale?

Polwarth electorate

Mr RIORDAN (Polwarth) — (12 797) My question is to the Minister for Tourism and Major Events. Can the minister tell those involved in Great Ocean Road tourism in my electorate what plans he has to fast-track the much-needed *Shipwreck Coast Master Plan*?

It was reported yesterday that despite growing international visitors to Australia, the lack of both public and private investment in Victoria is causing Victoria to slip further behind in the tourism stakes. Victoria's growth in Chinese tourists is half that of New South Wales. At only 7.3 per cent growth, it is trailing the national average of 12.2 per cent, even though aviation access to Victoria is allegedly increasing. Victoria is trailing New South Wales on total visitor numbers and average visitor expenditure. Regional Victoria is being ripped off with the system as it currently stands, with only 7 cents out of every overnight international dollar being spent in regional Victoria.

The Victoria Tourism Industry Council CEO, Brad Ostermeyer, has said:

> … what the statistics don't show is how lacking the visitor experience is at the Twelve Apostles. International visitors visiting this attraction expect better infrastructure …

Jobs, opportunity and the ability of the Great Ocean Road and the Twelve Apostles to stay on the international radar are at great risk with the inattention that this government is giving it.

Macedon electorate

Ms THOMAS (Macedon) — (12 798) My question is for the Minister for Women. I ask: how will the recently announced Joan Kirner Young and Emerging Leaders program help young women in my electorate and elsewhere in country Victoria develop the skills and experiences to take on leadership positions in our communities?

SENTENCING AMENDMENT (SENTENCING STANDARDS) BILL 2017

Second reading

Debate resumed.

Mr CARROLL (Niddrie) — If I could commence where I left off, this bill does repeal the baseline sentencing provisions which have remained inactive on the statute books since the Court of Appeal ruling in November 2015, as it was made very clear to us that it was incapable of being given any practical operation. This bill will replace the baseline sentencing scheme with the standard sentencing scheme and prescribe standard sentences for 12 of the state's most serious crimes, including murder, rape and sexual offences involving children.

The standard sentence represents an offence at the midpoint of objective seriousness that is calculated at 40 per cent of the maximum penalty. For example, a standard sentence for rape is 10 years, and it has a maximum penalty of 25 years. For an offence with the maximum penalty of life imprisonment, an offence-specific approach has been adopted, with the standard sentence for murder being 25 years. The standard sentence scheme introduces an additional factor for courts to take into account in the form of a legislative guidepost as part of the sentencing process. The courts will be required to consider the standard sentence alongside other relevant sentencing factors, and they will need to provide reasons explaining how the sentence they have imposed in a particular case relates to the relevant sentence.

There is also reform in relation to guideline judgements, and the bill will implement recommendations of the Sentencing Advisory Council's report to enhance the guideline judgements scheme. Guideline judgements allow the Court of Appeal to provide broad sentencing guidance to courts beyond the facts of a particular case and are a mechanism to promote greater consistency in sentencing.

I do want to say that this was not an easy bill to bring together, despite all the hard work of the Sentencing Advisory Council. There was an immense amount of consultation that the Department of Justice and Regulation undertook with the various courts and stakeholders, and they are to be commended for that. It did take about two years to get this legislation right, and if you recall, under the previous term the former government's legislation lasted two years. Now, that government itself lasted two more years, but their legislation lasted two years before the Court of Appeal found it defective, inactive and unworkable. We have worked with parliamentary grafters to make sure this piece of legislation is, we believe, foolproof by looking at what occurred in New South Wales, where a similar sentencing standards scheme has been in operation for 14 years and which has been all the way to the High Court and tested.

We do have great confidence that our standard sentencing scheme is the right way forward. I am very proud, as Parliamentary Secretary for Justice, to see the work that has gone into this. In many respects it was the signature policy — baseline sentencing — of the former Baillieu-Napthine governments, and it was found to be completely defective. This policy that we are implementing today will, we believe, stand the test of time. I think it is also important to remember that it is actually about transparency as much as making sure our courts reflect community expectations. How the scheme works and the enhancement of the guideline judgements are really important and build on a whole range of reforms to Victoria's sentencing laws.

We have also seen this week reforms to parole. We have had reforms to bail. We have had reforms to community correction orders. A whole suite of reform has come through the justice portfolio, whether it be updating our statute books in relation to home invasion or updating our statute books in relation to carjackings. This is very important. I think we need to be aware that in many respects this is why we are here today — because of the inaction, in many respects, of the former government as well. You cannot sit on your hands for four years, cut the police budget and rush through legislation with a 'tough on law and order' agenda that will not last the test of time. That is what the Court of Appeal found very clearly; they said it was unworkable. It did take two years to get this legislation right, but for any members that have met Arie Freiberg at the Sentencing Advisory Council or have heard him on talkback radio on Jon Faine on a regular spot, they would realise the work that he does through the Sentencing Advisory Council is world-class. We are actually lucky to have that body in Victoria, and why would you not use that body? Why would you not use them to test your legislation? Why would you not use the Sentencing Advisory Council to look at world's best practice, as they have done here, in many respects, in adopting what has been working very well in New South Wales?

I think it is very important, though, to realise that as legislators what we do here does have an impact on our jail system and our prisons. It is very important to get this right, and we do need to reflect the community's expectations, but we also need to be mindful that when you are passing laws in this Parliament as legislators it does have an impact on our police resources and on our prisons, and we need to make sure that we are focusing also on rehabilitation and that we are using some of the groundbreaking work of Jesuit Social Services and *Dropping off the Edge*, focusing on disadvantaged communities and making sure that we do not have the ham-fisted approach of the previous government, ramming through a law and order agenda that is unworkable.

We have a whole suite of reform that is needed as legislators, passing our sentencing reforms, our parole reforms and our bail reforms but also making sure that we are working with our youth justice system and ensuring that young people do know to have a life of purpose. We are rebuilding TAFE after four years of neglect and cuts and making sure that our education system is simply world-class. I want to commend the Attorney-General. He fixed up the previous government's mess, and he should be congratulated.

Mr Gidley — On a point of order, Acting Speaker, I acknowledge the debate has been wideranging, but bringing misleading and false statements on TAFE into this debate is even a step too far for the member for Niddrie.

The ACTING SPEAKER (**Ms Spence**) — Order! There is no point of order. The member's time has expired.

Mr HIBBINS (Prahran) — I rise to speak on the Sentencing Amendment (Sentencing Standards) Bill 2017. I welcome that the debate has diverged into TAFE. There is a bit of work to go in TAFE, because we know what the Auditor-General's report into TAFE finances said. They are still struggling to stay

financially sustainable with the recurrent funding. The balance sheets are only being kept in the black by the TAFE Rescue Fund and these other grants from the government, and they are all due to expire in 2018, so there is still a lot more work to be done to save TAFE after the disastrous, disastrous reforms implemented by the Brumby Labor government and continued on by the previous Liberal government.

Onto the bill itself, this bill does repeal the baseline sentencing scheme. It establishes a new standard sentencing scheme for certain indictable offences, it enhances the guideline judgements scheme and it amends the definition of the arson offence. From the Greens perspective, we certainly support the part of the bill which deals with the repealing of baseline sentencing provisions. The Greens always opposed this baseline sentencing being introduced. When that was introduced Sue Pennicuik, our justice spokesperson and a member for Southern Metropolitan Region in the other place, argued that that would be unworkable and would make the sentencing regime far too complex. That is exactly what has been found by the Court of Appeal, which held that baseline sentencing was incapable of being given any practical operation. So we certainly welcome that the government is acting to repeal baseline sentencing.

We do support the enhancement of guideline judgements. It was the Sentencing Advisory Council that, in its sentencing report in identifying offences where sentencing guidance is required, recommended that guideline judgements are the most effective, influential and persuasive form of providing sentencing guidance. They made it clear that guideline judgements have the best capacity to address the issues when identifying those sentencing issues. They said that guideline judgements can address sentencing concerns that are broader than the concerns relating to the particular offence, particularly around family violence offences. We feel that the government should be giving these guideline judgements the chance to be utilised first to address any problems with sentencing for certain offences rather than going ahead with the standard sentencing scheme in conjunction with guideline judgements.

We do not support the standard sentencing scheme, given that the Sentencing Advisory Council said that the standard sentencing scheme was not their preferred model of sentencing guidance. They have indicated that all the offences where there were problems with sentencing could have been appropriately dealt with by guideline judgements from the Court of Appeal. This bill does implement a number of Sentencing Advisory Council recommendations that the Court of Appeal have the power to provide guidance in terms of guideline judgements, which does then beg the question why we actually do now need the sentencing scheme.

In terms of public confidence in sentencing within the judicial system, as identified by the Sentencing Advisory Council, research demonstrated that when informed of facts relevant to sentencing, members of the public do not generally consider that the sentences imposed by judicial officers to offenders are too lenient, with the exception being for particular sexual offences against children. Again, we question why the scheme is being introduced when guideline sentences could be a much more effective option according to research in terms of public confidence within sentencing.

We are also concerned that the bill establishes mandatory minimum non-parole periods for the standard sentencing scheme, which we feel does undermine judicial independence to ensure that we get the right sentences, given the seriousness of the offence and the circumstances around the offending. We also suggest that further training for judicial officers in sexual offences — and the Sentencing Advisory Council has actually identified that this is an area where there is a problem with sentencing consistency — would be extremely useful, just as I understand it is being used for training judicial officers around family violence to assist in a greater understanding of these matters and ensuring that appropriate sentences are delivered.

We also feel that the government needs to start taking justice reinvestment seriously, far more seriously than it is, whether it is ensuring that the justice system is addressing those issues with offenders that are outside their offending, whether it is their mental health issues, whether it is family violence issues, whether it is drug issues or whether it is homelessness, because the evidence is clear that it is justice reinvestment that is the most effective in reducing crime. The route that this government is going down, following the lead of the opposition with their policies, will just simply lead to more crime and more recidivism.

Whilst this bill provides for the enhancement of guideline judgements, and certainly we support that, we do not support the implementation of standard sentencing. We will not be opposing this bill in this place, but we will reserve our judgement and our right to move amendments in the other place.

Mr McGUIRE (Broadmeadows) — The Andrews Labor government is implementing Victoria's largest ever suite of legislative measures to crack down on serious offenders, toughen sentences for serious and violent crimes and increase consequences for young offenders. The raft of reforms is required to address historic neglect and the failure of previous

administrations, the last coalition government in particular, on baseline sentencing and to address emerging trends and demands.

Within this suite we have the Bail Amendment (Stage One) Bill 2017, the Children and Justice Legislation (Youth Justice Reform) Bill 2017 and the Sentencing Amendment (Sentencing Standards) Bill 2017. They deliver on a series of commitments made in response to the bail review, the community safety statement and a Sentencing Advisory Council report. We have seen how this is coming through the Parliament. The Bail Amendment (Stage One) Bill 2017, which we have discussed and debated, will implement key recommendations of Mr Paul Coghlan, QC, following the terrible Bourke Street tragedy in January of this year.

Under these reforms it will be harder than ever for serious offenders to get bail in Victoria and community safety will be given a much higher priority. Bail will be refused for a number of new offences, regardless of age — and that is the critical proposition — including aggravated home invasion and aggravated carjacking, unless there are exceptional circumstances, putting them in the same category as murder and terrorism. That is the highest level that is now being assessed.

There will also be a presumption against bail for many more offences, including rape, armed robbery and dangerous or negligent driving while pursued by police, which again has been an emerging issue that needs to be addressed. That is what the government has done. In addition, people who commit serious indictable offences while on bail, summons, parole, serving a community correction order or are otherwise under sentence will not be granted bail again unless they can prove there are exceptional circumstances. The government will introduce a second wave of bail reforms later this year which will cover more complex matters, including giving police more powers to remand and clarifying the unacceptable risk and reverse onus tests.

This is the legislative architecture the government has put in place, and this bill we are now debating is another one of these key reforms. On sentencing, the headline in the *Age* of 25 May this year sums up the strategy. The headline is 'Victorian government tells court to lock violent criminals up for longer'. There it is. That states it bluntly. The introduction to the article states:

> Murderers and rapists face tougher sentences under an Andrews government plan to lock up offenders for longer.

The article continues:

> New laws will create standard sentences for 13 serious crimes in a bid to force judges to imprison offenders for longer.
>
> Data from the sentencing council shows the average sentence for rape is five years, one month — but the new standard set by Parliament will be 10 years.
>
> The standard sentence for murder will be 25 years and drug trafficking of a commercial quantity will be 16 years.
>
> …
>
> Judges will have to consider the standard sentence for each crime, along with the seriousness of the offence, the individual circumstances of the case, and the relevant maximum penalty.
>
> …
>
> The tough new sentencing regime follows a report from the Sentencing Advisory Council which was commissioned after the Court of Appeal found that the baseline sentencing scheme was unworkable.

This is an issue that I have addressed on a number of occasions because of the coalition's incredible arguments against the fact. This is the pattern of behaviour. If you do not like the facts, just present alternative facts. Let us just move to the post-Trump world view of how you actually do politics.

Mr Gidley interjected.

Mr McGUIRE — The member for Mount Waverley is recidivist-in-chief. You do not have to take my word for it. Just go and actually have a look at what the judgement was from Victoria's Court of Appeal.

Mr Gidley interjected.

Mr McGUIRE — He says, 'Everybody but the government'. I hear the voice from the other side of the chamber, the informed view of the member for Mount Waverley. He wants to dispute Victoria's appeals court. There is no argument in this. They said bluntly, 'It is unworkable'. It is one of the most scathing critiques I have seen of legislation by our highest court. It is now a case study for juris doctorate students at the University of Melbourne on how not to do it. This is not a debatable point.

Mr Gidley interjected.

Mr McGUIRE — The member for Mount Waverley can be the last galah at the end of the line for as long as he wants, but it does not change the fact. That is the point. What he is trying to do is aggregate anxiety and fear without ever going to the facts. That is all he is doing. He has no remedy, no responsibility. He is not looking at what needs to be done, and in the face of a decision by the appeals court of Victoria, he wants to just deny it ever happened. I mean, this just beggars belief. I hope this is called out by the media for the repeated way that it is done.

We need to move beyond this proposition, because this goes to higher issues. We had grown up in a time when we actually pursued enlightenment — that the facts counted, that there was intellectual rigour and that we actually had evidence-based propositions. Now, under what the Guy-led coalition are doing, it is: 'Let's just trash the place. Let's just tear it down. Let's say whatever we think will get the headline of the day without care, without responsibility, without accuracy, without fairness, without balance — let's just trash the place'. Does this fix anything? No. That is the critical point. It does not solve any of the issues that are complicated and need to be addressed in a thoughtful, considered manner, as is being done by this government in rolling out the key reforms that are required.

Mr Gidley — Sat on your hands.

Mr McGUIRE — He goes, 'Sat on your hands'. Here it is again. I hear that galah at the end of the fence again — 'Sat on your hands'. Let us get it straight: we had a one-term coalition government, two years of doing little and then two years of chaos. That is what happened. Then what did we have? We had the whole thing about: 'Let's bang the drum on baseline sentencing before the election'. It was another law and order election — 'Let's whip up fear and anxiety'. And it did not work; that is the point. It does not matter how many ways you want to deny it; the court said it will not work and it cannot work. In all my time either in journalism or in public debates I have never seen such severe criticism as was levelled against that proposition. That goes to the heart of the matter. What have they learned? They have learned nothing. The member for Mount Waverley still wants to argue the toss on that play.

Let us actually have a look at what baseline sentencing is now. Baseline sentencing was seen as overly complex in the modelling. It relied on comparative and statistical analysis. Baseline sentencing was expressed by reference to an abstract future statistical point, whereas standard sentencing is a legislative guidepost that courts must take into account when sentencing an offender. The baseline sentencing scheme did not provide a mechanism or guidance to the courts for the achievement of the baseline medium. In November 2015 the Court of Appeal held that the baseline provisions were 'incapable of being given any practical operation'.

That is really the headline for this coalition — 'incapable of being given any practical operation'. They cannot get it done. They did not get it done the last time, and that is the issue. They want us all to have amnesia. They are wanting to convince the media to forget about what happened. 'Let's not mention the war. Let's not talk about the Baillieu-Napthine one-termers. Let's not talk about baseline sentencing in the context with which it was judged'. As I say, it was not the *Green Left Weekly* that gave this decision on you. You have got to understand that this is the appeals court of Victoria.

Under the standard sentencing scheme a court must take into account standard sentences when sentencing an offender for a standard sentence offence and explain how the sentences imposed relate to the standard sentence. I commend the bill to the house.

Mr GIDLEY (Mount Waverley) — It is my pleasure to rise this afternoon and make a contribution on the Sentencing Amendment (Sentencing Standards) Bill 2017. I do so continuing the debate that the member for Broadmeadows and other members in this place have. In my contribution I will address the bill as well as the so-called suite of reforms that have been so much of a hallmark of the debate in this chamber on this bill.

I note that the opposition is certainly not opposing this bill. However, we do have significant concerns with this bill. The first obvious one is: why has it taken this government this long? After the Court of Appeal made their decision, why has it taken this government this long to bring legislation into the house?

Mr Wakeling — Still working out their position on the Callinan review.

Mr GIDLEY — Exactly. As the member for Ferntree Gully says, it seems that this government not only do not have a direction and do not understand how to keep Victorians safe, but they just cannot make up their mind. Maybe it was, as the member for Ferntree Gully says, the issues of the Callinan review. More importantly, the reason this particular legislation has taken this long is that this government just does not know how to keep Victorians safe. We should have been debating legislation that makes changes in response to the Court of Appeal's decision, and the shadow Attorney-General has called for these many, many times, yet this government has sat on its hands. The only reason I can see that would be the case is that they really do not understand the importance of keeping Victorians safe.

In addition to that, this new sentencing standards scheme is, in our view, a weak response to the Court of Appeal's decision to strike down baseline sentencing. It does not require the courts to apply it, and indeed giving the Court of Appeal the power to issue wideranging sentencing opinions will, if anything, see excuses for soft sentencing. The community is increasingly tired of those

soft sentences, and that is the other important aspect of this debate. There is no question about it.

If they take their heads out of the sand, as members of the government should, they will see that the public of Victoria do not feel safe, not only in their own homes, which is what the government's Minister for Police has said — in her own words, they do not feel safe in their own homes — but also on our streets. They do not feel safe for their family and their loved ones on our streets. They do not feel safe in the state of Victoria. That is a terrible tragedy because one of the most important things a government can do in office is ensure that Victorians do feel safe.

You might ask why that is the case. Why are people not feeling safe in their homes, as this police minister rightly says — and I will give her credit for rightly saying that — and why is it that they also do not feel safe on their streets and in other places? There are a few reasons for that. Firstly, under the so-called suite of reforms that has been referred to in this debate, the government weakened bail laws, and as a consequence of that, we have seen a direct flow in relation to youth offenders in particular. Secondly, the government sat on its hands on the baseline sentencing response. Thirdly, crime is up over 20 per cent. Fourthly, they are cutting police numbers and cutting protective services officers (PSOs). Do not take my word for that — —

Mr McGuire — On a point of order, Acting Speaker, on misleading the house, the $2 billion investment is there. Everybody knows about it; I have called this out repeatedly. I call on the member to stop misleading the house.

The ACTING SPEAKER (**Ms Spence**) — Order! There is no point of order.

Mr GIDLEY — The member for Broadmeadows and other members of the government just have to look at the transcript of the Public Accounts and Estimates Committee (PAEC) hearing when the chief commissioner of Victoria Police said very clearly that in this term of government this government have cut police resources; they have cut the number of police in Victoria. We have had a reduction in the number of police in Victoria. That was the answer that the chief commissioner of Victoria gave to the Public Accounts and Estimates Committee hearing. Unless the member for Broadmeadows or the government want to say that the chief commissioner was wrong in his answer in the transcript, then they do not have a leg to stand on.

Mr Dimopoulos — On a point of order, Acting Speaker, the member is verballing the chief commissioner. I ask that you ask him to reference exactly what page and what line he is referring to.

The ACTING SPEAKER (**Ms Spence**) — Order! It is not a point of order; it is a point of debate.

Mr GIDLEY — The member for Oakleigh is very, very sensitive about police numbers. Is it any wonder when there is a secret plan that the member for Oakleigh is aware of that senior members of the Labor Party have put out to shut four police stations in Monash? Is it any wonder he is sensitive about it? Check the transcripts, member for Oakleigh.

There is a weakening of bail laws. The government is sitting on its hands, not responding to the Court of Appeal's baseline sentencing issue. There is cutting of police resources, as the chief commissioner indicated to PAEC. There is cutting of PSOs, with 33 less PSOs as of December this year; again, check the records. And crime is up 20 per cent. Crime is up 20 per cent, there are weakened bail laws, there is a cut to police resources and a cut to PSOs and there is a police minister who acknowledges people do not feel safe in their homes. But, as the member for Broadmeadows says, 'There's nothing to see here. There's no crime problem in Victoria. The public has all got it wrong. There's no issue here'.

Mr McGuire — On a point of order, Acting Speaker, I take offence. That is not what I said. The member is verballing yet again. I ask him to withdraw.

The ACTING SPEAKER (**Ms Spence**) — Order! Member for Broadmeadows, I did not hear that there were comments specifically about you.

Mr McGuire — I raise exactly what he said. He said, 'The member for Broadmeadows says there's nothing to see here'. I never said those words. I take offence at what he said, and I ask him to withdraw. He referenced me as the member for Broadmeadows.

The ACTING SPEAKER (**Ms Spence**) — Order! It is not a point of order.

Mr GIDLEY — The government is very, very sensitive on these issues, and I understand why. Crime is up 20 per cent. On top of that we have had the secret Labor Party plan outlined by senior members of the Labor Party to shut not one, not two, not three, but four police stations in Monash: Glen Waverley, Mount Waverley, Oakleigh and Clayton. In addition to that they call the Liberal-Nationals plan to refurbish and reopen Murrumbeena police station ludicrous.

This government's approach to public safety is very, very clear, and it is very, very clear why the people of

Victoria do not feel safe not only in their own homes, as the minister said, but on our streets. When you weaken bail laws and you refuse to acknowledge that you have a problem with crime in Victoria, when you sit on your hands and do not respond to the Court of Appeal's baseline sentencing decision, when you cut police numbers, when you reduce PSOs, when you increase crime by 20 per cent — —

Ms Thomas — On a point of order, Acting Speaker, I would like to draw your attention to the fact that the member is misleading the house. The Andrews Labor government has committed record investment to Victoria Police, with more than 3000 police being recruited now and over the forward estimates. The academy is full and it will be for the continuing term of this government.

The ACTING SPEAKER (**Ms Spence**) — Order! There is no point of order.

Mr GIDLEY — I have not even got on to the so-called police station that has not been closed that is open in the member for Burwood's electorate, and they are already like that. If I had an extension of time, we would then get on to so-called open police stations, like the member for Burwood's, that are covered in graffiti and not even open most of the time.

The trend is clear. If this was not such a serious issue, it would be a joke. But the victims of crime in the state of Victoria, the people of Victoria, deserve so much more. They deserve so much more from this government to live up to its responsibilities to protect Victorians. It has failed to do this, and it is about time this government got off its hands and did its job.

Mr STAIKOS (Bentleigh) — It is a pleasure to rise to speak on the Sentencing Amendment (Sentencing Standards) Bill 2017. Before I go to the specifics of the bill, given the contribution from the member for Mount Waverley that we have just heard, I am compelled to make some broader comments on public safety and law and order to correct the record on a number of inaccuracies that he just stated.

One was that police numbers have been cut. It is important to note that in his speech he verballed the chief commissioner, who has said no such thing. Perhaps the member could now present evidence of the chief commissioner saying that we have actually cut police numbers. In fact you might find that the chief commissioner said in that hearing that police numbers have increased.

One of the biggest threats to the state of public debate is the phenomenon of fake news, which we have seen on steroids in the last 12 months. It is the theory where you can say absolutely anything, knowing that it is wrong, but pretending it is the truth if you say it often enough. We hope that people can see through your lies. It is like budget day just a few weeks ago when the Leader of the Opposition said that there was absolutely nothing in this year's state budget for law and order, when there was $2 billion for additional police — a package that included 2729 new police officers, on top of attrition recruitment, together with 406 police funded last year. That is a total of 3135 extra police.

Mr Gidley — On a point of order, Acting Speaker, this sounds like a budget speech. I would ask you to draw the member back to the bill on sentencing.

The ACTING SPEAKER (**Ms Spence**) — Order! There is no point of order.

Mr STAIKOS — You opened Pandora's box, sport, so you are going to sit there and listen to this. We have provided funding to replace 10 police stations across Victoria, a new 24-hour police assistance line and an online portal to make it easier to report crime, a new air wing including three new helicopters and a fixed-wing plane, 100 new protective services officers to boost mobile patrols and public transport safety — —

Honourable members interjecting.

The ACTING SPEAKER (**Ms Spence**) — Order! Member for Burwood!

Honourable members interjecting.

The ACTING SPEAKER (**Ms Spence**) — Order! I have repeatedly asked the member for Burwood to desist from screaming across the chamber.

Mr STAIKOS — Since he has been re-endorsed — and can you believe that, members on this side of the house? — he has got a new sense of self.

There will be 42 new specialist officers to help keep vulnerable young people from a life of crime, banning cash for scrap metal to end the trade in stolen cars, funding for automatic numberplate recognition technology on all highway patrol vehicles, and a new dedicated training facility for specialist and critical incident police. This is on top of the 400 police custody officers, 12 of whom are stationed at the Moorabbin police station in my electorate, which I am very proud of.

The member for Mount Waverley sought to heap blame on the botched baseline sentencing.

Mr Wakeling — On a point of order, Acting Speaker, I appreciate the member is new to the house and has probably picked up the wrong document, but

this is a debate about the Sentencing Amendment (Sentencing Standards) Bill 2017. The member is halfway through his contribution and has not made any reference to the bill. I ask you to bring him back to the bill at hand.

Mr STAIKOS — On the point of order, Acting Speaker, I am responding to the previous contribution. I think I am entitled to respond to the previous contribution.

The ACTING SPEAKER (**Ms Spence**) — Order! This has been a wideranging debate.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Spence**) — Thank you, member for Burwood, without your assistance. The debate has been wideranging. I ask the member to continue on the bill.

Mr STAIKOS — I am speaking about baseline sentencing, and that is the reason why we are here: because those opposite botched baseline sentencing. If the member for Mount Waverley — —

Mr Wakeling — What is the name of the bill?

Mr STAIKOS — I mentioned the name of the bill. You should clean your ears out, member for Ferntree Gully.

They botched baseline sentencing. This is why we are in this position. To provide the context, it was in November 2015 that the Attorney-General asked the Sentencing Advisory Council to provide advice on the most effective legislative mechanism to provide sentencing guidance to courts. This request followed the Court of Appeal stating in November 2015 that the baseline sentencing provisions, which commenced in 2014, were:

> … incapable of being given any practical operation.

The government responded to the Sentencing Advisory Council report in June 2016, announcing a commitment to introduce a standard sentence scheme and reform sentencing laws. One of the things that this bill does is correct a monumental stuff-up by the former Liberal government.

This bill introduces a standard sentence scheme that will increase consistency and public confidence in sentencing. It is based on a successful scheme that has operated in New South Wales for the better part of 14 years. It will provide a legislative guidepost at the midpoint of objective seriousness for 12 serious offences. These are offences like murder, as well as murder of an emergency worker or custodial officer, culpable driving causing death and rape.

Unlike baseline sentencing we are confident that this will actually work. You can pass any piece of legislation in this place but if it is unenforceable, it is a total waste of time. I can certainly understand that whenever people, my constituents, come and see me they are concerned about a crime rate that has risen every year since 2011. And we should remind members opposite of the fact that this problem did begin when they were in government. This government is working tirelessly to turn something around that was started when they were in government. It is important to note that because we have heard from people like the member for Ringwood. In her many interjections this week she has said things like 'We jailed him' in relation to the individual who is alleged to have committed that horrendous crime in Brighton near my electorate recently. We have heard opposition MPs saying, 'You let him out'. This might be news for those opposite, but the reality is politicians do not jail people and politicians do not let people out, and they know this. They absolutely know this.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Spence**) — Order! The member for Malvern! The member for Ferntree Gully!

Mr STAIKOS — We are in this era of fake news where they feel like they can say absolutely anything.

Honourable members interjecting.

Mr STAIKOS — That is absolutely offensive, but we are in this area where they think they can say absolutely anything and get away with it. It is not politicians who jail people. It is not politicians who let people out. It is politicians who set the laws, and we are setting a law today. We have brought in a bill that we know will work, that will provide tougher sentences and that will give the community confidence in our system of law and order, in our Parliament, in our courts and in our police.

If you remember those tragic events in 2012 and 2013 — the murders of Jill Meagher and Sarah Cafferkey by men who were on parole — this side of the house when in opposition did not play politics with those tragedies. This side of the house gave the then government the clean air and the support needed to fix the parole system. The then government did some good things in that area to fix the parole system. It left most of it for this government to sort out, but nonetheless that is the way you approach tragedies of that seriousness. You support the government. You give the government

the space to make the reforms necessary to keep Victorians safe. I commend the bill to the house.

Mr WATT (Burwood) — I rise to speak on the Sentencing Amendment (Sentencing Standards) Bill 2017. While listening to the member for Bentleigh's contribution I struggled to decide whether he was trying to be Sergeant Schultz, 'I know nothing', or whether he was trying to be Bart Simpson, 'I didn't do it. Nobody saw me do it. You can't prove anything'. I have got to say that the way members of this government have put their heads in the sand, they are more like ostriches. You put your heads in the sand — you cannot see anything, nothing is happening, and you say, 'No, I didn't do it'. It reminds me of when my kids would cover their eyes and say, 'I can't see it, so it didn't happen. I can't see anything. No, you're not in front of me, nothing is happening in front of me because I'm covering my eyes and I can't see it, and you can't prove it so it didn't happen'.

Well, let me tell you people, it did happen. Crime has gone through the roof. This government have paid no attention to crime from the day they got elected — no attention. Two and a half years, these guys have been in power. I sit here and I listen to the tripe coming from the other side around baseline sentencing. They say it is all our fault. Let me just make this point: the rulings came down and you did nothing. For two and half years you did nothing, and crime has gone through the roof. Crime has gone up by 22 per cent since you have been in government — is it 20 per cent or 22 per cent?

Mr Gidley interjected.

Mr WATT — It is 20 per cent. That is right: taxes have gone up by 22 per cent when you promised they would not, and crime has gone up by 20 per cent. Thank you very much, member for Mount Waverley. As I mentioned yesterday during — —

Mr M. O'Brien interjected.

Mr WATT — As the shadow Treasurer said, the only thing going up higher than the crime rate is the tax rate.

Yesterday in this chamber I mentioned Roosevelt's four freedoms and discussed the thoughts of Menzies on those four freedoms. I also gave my own thoughts on them, noting that it is around 75 years since Menzies gave that radio address. Freedom from fear is a basic human right. It is one of the four freedoms put into the United Nations Universal Declaration of Human Rights. The United Nations Universal Declaration of Human Rights recognises freedom of speech and belief, and freedom from want and fear.

The problem we have in this state is that the government and the members of the government do not seem to comprehend that people have a right to freedom from fear. And people do fear — they are very fearful. When I pop down to the local footy, people pull me up and say, 'We have a problem with crime, and you need to get the government to deal with it or you need to get rid of them'. In 18 months time the government is going to be on the way out because they will not listen, because they have their heads in the sand, because they have been playing Sergeant Schultz, because they have been trying to be Bart Simpson. The problem we have is that the government have done nothing in two and a half years.

I am reminded of a quote from Reagan in 1981. He said:

> Government's first duty is to protect the people, not run their lives.

I keep coming back to that quote because it is a very, very good quote. This government, the Andrews Labor government, and all of its members should stand condemned for trying to run people's lives instead of protecting their lives.

You need to protect your citizens. It is the first thing you do. If a government cannot protect their citizens, they do not deserve to be the government. That is very clear. That is the message that I keep hearing from my electorate, and I know it is the message that the member for Mount Waverley keeps hearing from his community, but what we keep hearing from senior members of the Labor Party in our communities is that that does not count.

The fact is that the Burwood police station in my electorate has been closed for two and a half years. I know there are some people within my local community who have been advocating for more police. In particular I have, and I know that there are members on the Monash City Council that are calling for the reopening of that station and investment in police numbers. There are senior members of the Labor Party within my area and the member for Mount Waverley's area who have advocated, and have not recanted their advocacy, the closing of the four police stations — —

Mr Gidley — Four.

Mr WATT — Four: count them. We are talking about Clayton; senior members of the Labor Party want Clayton closed. Senior members of the Labor Party want Glen Waverley closed. They want Mount Waverley police station closed, and Oakleigh station closed. Senior members of the Labor Party have

advocated for closure of all of the police stations in the Monash area — all of them.

When I heard about this I was dumbfounded. I could not believe that senior members of the Labor Party would come out and advocate very blatantly what we know is already happening in our communities. Ashburton police station is down to two days a week. Burwood police station has been closed. As the member for Mount Waverley pointed out, Burwood police station has been graffitied. It was quite bad last week; it was terrible last year. One of the things that has not come across all that much is that it has been graffitied for that period of time. The wall, the fence outside that police station have had graffiti on them since the start of last year. It is still there. I drive past regularly, I see this graffiti and I wonder: why has nobody done anything about this?

Mr Gidley — Why?

Mr WATT — The member for Mount Waverley asked, 'Why?'. I can tell you why: because there are no police there so they never see it. If you do not see it, why would you clean it? In two and a half years what we have seen is a reduction in police, an increase in population and then a reduction in police per capita. Those on the other side will argue about whether a real reduction, which is what we saw initially, and then a reduction per capita is actually a cut.

Let us put it this way: crime is going up. People are not seeing police when they need to. Some weeks ago I asked the Minister for Police, 'When was the last time somebody could walk into the Burwood police station and see a police officer?'. I am yet to receive a response to that very simple question. If the police station is not closed, if this is not a plan by the Labor government — even though it has been revealed by senior members of the Labor Party — to reduce police numbers and close police stations, tell me when the last time a person could walk into the Burwood police station and speak to a police officer. It is a very simple question for a very simple government.

I hear members opposite talk about the fact that there are more protective services officers (PSOs). How can they say there are more PSOs, when we actually know that there has been a reduction — an actual reduction — in the number of PSOs? There are 33 less PSOs out on the beat, not more. You can talk about there being more all you like, but if there is actually less, you are caught out in a lie. You cannot keep saying this. It is not true. There are less PSOs.

There are PSOs that used to be at train stations when we were in government, and now they are not. We can talk about Jordanville. I remember going down to Jordanville train station with the member for Mount Waverley when the PSOs started. I do not live too far from Jordanville train station. It is one of the closest stations for me to get to. It is a station that my kids travel past regularly to get to school. I have got to say that it is a little disappointing to hear that there are not PSOs at Jordanville train station anymore.

Members of the government need to get their heads out of the sand. They need to start taking control of the problem that we have in this state. Firstly, they need to accept that there is a problem. Secondly, they need to accept that it is their responsibility to deal with the problem. They are the government. Get on with it. Freedom from fear is a basic human right.

Debate adjourned on motion of Mr SCOTT (Preston).

Debate adjourned until later this day.

DISABILITY AMENDMENT BILL 2017

Second reading

Debate resumed from 25 May; motion of Mr FOLEY (Minister for Housing, Disability and Ageing).

Mr T. BULL (Gippsland East) — It is a pleasure to rise to make a contribution to the second-reading debate on the Disability Amendment Bill 2017. I state up-front that this bill has the support of the opposition. This bill implements recommendations of the Family and Community Development Committee's inquiry into abuse in disability services. It was a joint investigatory committee inquiry, and I commend the members of Parliament from all sides who contributed to that report and were involved in its recommendations.

The primary objective of this bill is to make the disability services commissioner (DSC) the key oversight body for investigating and resolving complaints in relation to disability service delivery. One of the key aspects of this legislation that will sit under that is the fact that the bill picks up the committee's recommendation to provide an own-motion inquiry power to the disability services commissioner, which will allow the office of the commissioner to investigate matters without referral. The office can now be proactive in determining what issues it will investigate. I understand from the bill briefing I received that the office of the DSC will be appointing somewhere around a dozen people to undertake these various inspections and investigations.

The bringing on of this bill prompted me and I am sure other members of the chamber to go back over the committee's report and consider in detail its contents again. Throughout the inquiry the committee heard undeniable evidence of the widespread nature of abuse and neglect of people within the disability sector over a long period of time. It is probably pertinent to put on the record now that within our disability sector workforce statewide we have some absolutely incredible people who have enormous talent and great will to make a difference in the lives of those with special needs. They do these jobs not only for the pay packet at the end of the week but also for the reward it provides them as individuals. I have certainly seen that firsthand in my own family situation. I have seen people make an enormous difference to the lives of people who are the most vulnerable within our society.

But unfortunately we also have those who are in it for the wrong reasons, and this bill goes to the heart of rectifying some of the highly unfortunate scenarios that we have seen. Many of the stories that were relayed by families to the inquiry through the hearings were absolutely heartbreaking in nature. I do not think that anyone in this chamber or in society in general would disagree with the thought that abuse in any way, shape or form of people with special needs — the most vulnerable in our community — is one of the most abhorrent crimes that can possibly be committed.

The abuse that was reported to members of the inquiry through that process took many forms, including but not limited to physical and sexual assault and verbal and emotional abuse — which has an enormous impact on the mental health of clients — financial abuse and even levels of general neglect that were so severe that in some cases they were endangering lives. The inquiry also found that abuse occurs in a range of different settings — not only residential accommodation, and not only respite options and day care programs. It happens in services that are operated by the government — the Department of Health and Human Services — but also by non-government providers. There were no boundaries or borders in relation to this.

Families shared accounts of their family member's abuse and spoke of their own experiences, which in many cases were far from acceptable, in their attempts to report this abuse and advocate on behalf of their loved ones and their relatives. It was very clear and very apparent that there were significant shortcomings, with high levels of frustration in the systems for reporting abuse. In particular many people, disappointingly, felt that when they came forth with their concerns, whether they were parents, loved ones or guardians, they felt that their concerns were either dismissed too readily or ignored by the Department of Health and Human Services service providers and also by the disability services commissioner's office. Many of the stories that were relayed were very confronting.

The committee heard that the sector has unfortunately employed predators who have repeatedly offended, and this highlighted the need for reforms such as this but in many areas. Further evidence of the need to act was published in the findings. The inquiry findings were not enough. A Health and Community Services Union survey was widely published not that long ago. It found that 46 per cent of disability sector employees — 46 per cent of respondents — reported that abuse occurred either frequently or occasionally.

Now, I understand that when you do these surveys you often get those that have a concern as the respondents. So I am sure that while that figure is not 46 per cent right across the entire sector, it is still a high figure if 46 per cent of respondents felt that way and had experienced that. Another disappointingly high figure was that 55 per cent of those respondents said that abuse occurred frequently or occasionally and that their co-workers perpetrated such acts. So the union highlighted that some of the cases that were reported in this survey were around sexual abuse and things like residents being denied food and others being bound with gaffer tape. That was some of the feedback that came out of this Health and Community Services Union survey.

We also heard in the inquiry a number of people stating that they believe the levels of abuse are underreported. Carers have openly stated that they have been on occasions scared to report abuse or neglect, and one carer said that — and it was very significant to read this quote in the submission:

> … it is either not acted on or you become a victim yourself by being bullied by supervisors or team leaders.

That is not the environment in which our most vulnerable people should be cared for, where the workforce caring for them and their wellbeing feels that way about the environment they work in. That is extremely unhealthy, and there is no greater proof of the need for action than in that commentary itself.

As we transition to the national disability insurance scheme (NDIS), the overarching framework for the sector will come under the NDIS safeguards framework. We know that that is scheduled to be implemented in about mid-2019, when the NDIS has been fully rolled out, and therefore I guess this legislation that we have here today is somewhat an interim measure. These powers that we are giving to the disability services commissioner are somewhat an interim measure that will lead to the overarching

NDIS framework coming into place, but it is important that in the significant amount of time there is until the NDIS framework comes out that we make these changes at the state level. This is about addressing some of the shortcomings and providing additional powers in the interim.

I certainly hope that when we do transition to the NDIS safeguards framework we have at least the same basic level of protections and investigative powers relayed that we have here, but I still think that there are areas where we can improve those powers, so I see this next period under this legislation in the lead-up to the NDIS overarching framework coming into play as perhaps being welcomed but also somewhat of a trial period to see if from a federal perspective we can improve even further in certain areas and make sure that the body that is providing oversight to those with special needs has every power it needs to take action.

Throughout the inquiry the committee heard criticism of the disability services commissioner. Many felt that the disability services commissioner's office had failed in its role to provide effective oversight of the sector. In particular there was the belief in a lot of families that it had failed in its duty to appropriately investigate reports of abuse. The committee did acknowledge — and quite rightly — that whilst there was a view that the DSC had perhaps not lived up to expectations, it primarily found that this related to the narrow functions that were given to the office. They were restrictive; they did not allow the office of the disability services commissioner to provide the level of investigation that families expected would occur, and the legislation that we have before us today is about rectifying much of that scenario.

So in response the bill before the house today provides some of those greater powers. People with a disability have the right to live free from abuse, neglect and exploitation. We absolutely must ensure that the culture within disability services promotes and upholds the rights, the dignity and the safety of people with special needs. It is also important to ensure that where abuse and neglect does occur in disability services, we have a robust oversight mechanism in place to be able to deal with it to ensure that each and every allegation is properly investigated and that processes are put in place to protect people from harm.

For a few moments I want to just talk about the own-motion inquiry power. When the disability services commissioner was established as a complaints body, the commissioner's powers related to the conciliation of, investigation of and education about complaints. In other words, the office of the disability services commissioner had restrictions about what it could do when a complaint was received. In future, when a complaint is received the own-motion inquiry powers will give the disability services commissioner the power to investigate — as the term is defined — under their own motion.

In hindsight and given the findings of the inquiry, the submissions that were made to the inquiry and the experiences that were shared as part of the inquiry, it could be strongly argued that the Office of the Disability Services Commissioner should have been provided with more powers when the position was established, and perhaps governments of both persuasions over the journey could have provided those powers, so we are here today with a bill that does give it more power and will make people more accountable and responsible.

The scope of this new function allows the commissioner to investigate without referral, and I think that this is critically important. The office of the DSC can now investigate the most significant issues such as sexual abuse, physical abuse, financial exploitation and abuse, and significant neglect. The bill aligns the commissioner's powers under this new function with its existing powers to investigate complaints, and some of these powers include compelling attendance, calling for evidence and documents, applying to a magistrate for a warrant to inspect premises and issuing service providers with actions to remedy any issues substantiated as a result of any inquiry by the commissioner.

Of paramount importance is this new inspection power. If we are to have an effective and strong oversight body, it must have strong inspection powers. It must be able to investigate concerns to the appropriate level. Previously a lack of these inspection powers resulted in longer than acceptable time frames. Recommendation 7.7 of the inquiry was around providing the additional powers required to undertake more timely site visits, so the bill, as I said earlier, allows the commissioner's office to appoint authorised officers, and these officers will be able to visit and inspect relevant premises on their own motion.

During inspections the officers will have the power to inspect documents and conduct interviews with staff, volunteers, service users and visitors. Very importantly, if entry is refused, there is now an offence for unreasonably obstructing or hindering the disability services commissioner. So you must let these people in, and unless you have got a valid reason not to, you will be held accountable and charges will be laid.

Obviously to respect the dignity and the human rights of people with a disability, the commissioner's authorised officers will be required to obtain the

consent of a person with a disability or indeed their carer or guardian as required before entering private rooms. You can picture that, for some people, having an authorised officer from the disability services commissioner entering the room unannounced could be quite a traumatic experience for individuals, so that permission is obviously a very important part of making sure that those i's are dotted and those t's are crossed so that we do not have that scenario occurring.

I want to talk about some of the actions that can be taken as a result, and this is important because this goes to the very heart of making perpetrators responsible and accountable for their actions. The commissioner can specify in writing any action he considers the service provider ought to take to remedy the complaint, and I was also advised during the bill briefing that in developing this legislation Victoria Police and the department developed a memorandum of understanding that for any investigations of criminal matters that are initiated by the disability services commissioner's office the police still have primacy in that investigation. That is important and an important step in being able to share that information to make sure that offenders are held to account and perpetrators face the full brunt of the law.

It is then that we rely on the court system to make people accountable and appropriate for their penalties, and one thing that we are going to watch out for from all this is that we get our act tidied up within the disability sector and we give the greater investigating powers to the disability services commissioner but also, when people are found guilty of these abhorrent crimes of abuse and neglect in a range of areas, that we have a high anticipation that the court system will provide punishments in line with community expectations. There is no more gut-churning crime, as I said earlier, than preying on those who are the most vulnerable in our community, and those who do this by choice and perpetrate these actions must face stiff penalties in line with community expectations.

This bill is a small step in trying to strive towards zero tolerance of abuse. We need to make offenders accountable, and we need to remove them from the sector, and this bill enables the commissioner to share information with not only Victoria Police but also other agencies, whether that be the Ombudsman, the departmental secretary, the Office of the Public Advocate or even the coroner's office in the case of death. This will hopefully ensure that whatever action needs to be taken is undertaken by the relevant body and ensure that it is investigated to the level that it should be.

I just want to talk about, I guess, the culture for a few moments. When we are talking about legislation like this today, yes, we are giving additional powers and, yes, we are aiming towards zero tolerance and trying to make people more accountable, but we also need an obligation from the workers and providers in the sector to improve culture. Agencies, whether they be departmental or private, need to screen better the people that they are employing in these positions. They need to screen these people better, they need to do better background checks and they need to educate their staff on what is right and wrong.

Too many times, as we travel around the state, we hear 'We were short of a respite carer' here and 'We were short of a person working in the day care centre' there. 'We needed someone and we put them on. We're going to suss them out, but we put them on because we're desperate'. It is not good enough. It is too late when we get to that stage, so we have to provide higher levels of oversight to screen potential employees and educate staff.

In the last 30 seconds before the lunchbreak and in winding up I would just like to pay tribute to a disability service provider in my area, Noweyung, which has just recently gone through a change of CEO from Ernie Metcalf to Michael Amor. That is a wonderful, wonderful service and, I think, could be a great example of how a good and well-run service is operated. This bill strengthens the safeguards for those with disabilities, and the opposition supports this bill.

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

Ms EDWARDS (Bendigo West) — I am very pleased to rise to speak on the Disability Amendment Bill 2017. It is very pleasing to be a member of Parliament when bills like this come before the house and you have the opportunity to speak on something that will make long-lasting change to people's lives.

This bill comes out of the Family and Community Development Committee's inquiry into abuse in disability services, the report of which was tabled in the Parliament last year. The committee made 49 recommendations and the government accepted all of those in principle. So it is very pleasing to be speaking on today's particular amendment bill, which goes a long way towards protecting people with disability from harm.

As chair of the Family and Community Development Committee I was grateful to be part of this inquiry, and I want to thank my fellow committee members for their contributions as well. It was quite a harrowing committee to be on, as we heard many, many families

and many, many people with disabilities who have suffered abuse not just over the last little while but in some instances for decades.

I will start with a contribution that someone made to that committee. Ms Schipp spoke to the committee about her son's numerous experiences of sexual assault by disability support staff. She said:

> By way of background about ourselves, our 35-year-old son has cerebral palsy. He is visually impaired. He is intellectually normal; he has tested at average or above average. He is speechless, and that is very important to the experience of abuse, and he walks. He suffers from PTSD … seriously. He has been sexually assaulted many times by four different assailants that we know of. The first assaults occurred when he was nine. The other assaults occurred when he was turning 29 and after. Three of the four assailants worked in group accommodation settings: one in a Yooralla respite care unit and two in a DHS community residential unit. One assailant worked in our son's own home.

That is just an example of some of the evidence that the committee received over that long period of time.

What the inquiry revealed, as the member for Gippsland East eloquently pointed out — and I thank him for his contribution and for his interest in this matter — was that abuse across Victoria and indeed, I would suggest, across this nation is both systemic and normalised.

We made a lot of recommendations around the fact that many of the contributors to our inquiry were very concerned that the process for reporting abuse was not acted upon, that the road towards reporting abuse was confusing — that people did not know where to go — and, of course, in many cases that the family members of people who were abused reported they were not believed. Now, that has to change and we as legislators have to make sure that that changes, and that is why this legislation is so important.

One of the recommendations in our report, which is not relevant particularly to this bill but it is important, was that many people across the disability sector called for a royal commission into abuse in disability services, and I am very pleased that federal Labor has announced that if they win government they will implement a royal commission for these people. It was important to us during the inquiry that the voices of people with disability and their families and carers were heard. Too often their voices have been silenced, particularly around matters of abuse.

The response from the government has been exceptional. We know that we need a zero tolerance approach to abuse of people with a disability, and starting from that point we can implement a range of measures that will improve the whole process around abuse and how to prevent it, how people can report it and how it is investigated. The investigation side of it is very important, because up until now, when we make changes in this legislation, there has not been an oversight body that has been able to investigate abuse to the extent that people in the inquiry called for. It was decided by the committee that the disability services commissioner would have oversight of investigation into abuse in disability services.

That decision was made based on a number of issues. The first was that it was obviously imperative that there was an independent oversight body and because the disability services commissioner already has a role within the disability sector to do a whole lot of things. Strengthening their role through this legislation is important. What came out of the inquiry was the need for own-motion powers for the disability services commissioner.

People with disability, as I said, reported to us that abuse had become normalised. What that means is that abuse that we would think would be reported or investigated was considered a normal situation. There were things like taking away someone's wheelchair, feeding them inappropriate food, bullying, issuing the wrong medication and stories of neglect. Of course we would say that that needs to be reported — that that is abuse — but within the disability sector it has been accepted. However, it should never be accepted again.

The disability services commissioner will be made the key oversight body for the disability sector in Victoria, including having the powers to conduct own-motion inquiries into reports of abuse and neglect — and that was recommendation 7.1. Currently the commissioner's legislative functions relate to conciliation, which was considered to not be a strong enough function. In fact people were telling us that conciliation did not resolve problems. The commissioner undertakes inquiries if requested by the minister or the Secretary of the Department of Health and Human Services and he implements education, training and research. What this has meant is that the commissioner has been restricted largely to investigating and dealing with complaints.

Concerns may arise where there is no complaint, particularly in the case where a person with a disability may not have the capacity to make a complaint. This bill addresses those concerns. We want to ensure that the disability services commissioner has the powers that he needs to be able to investigate thoroughly. The member for Gippsland East mentioned authorised officers — inspectors if you like — which was another recommendation from the inquiry. They will be able to go to service providers and group homes and be able to make sure that abuse is not occurring, and also to report

directly to the disability services commissioner if abuse is happening.

Not only should disability services not tolerate or normalise abuse, but they must be part of the change. One of the things to come out of the inquiry was that change takes time. It will take a cultural change within service providers as well as within the general community about how we treat people with disabilities. People must understand that they have rights just like everybody else, that they have a right to safety, that they have a right to live a life free from abuse, and the disability services commissioner will play a major role there. He will be able to initiate inquiries at his discretion to investigate allegations of individual cases of abuse and neglect of people with a disability and the systemic and recurrent issues of abuse of people with a disability.

It is also intended that the commissioner's inquiries will focus on how service providers can improve services and systems to better respond to and prevent abuse and neglect. The referral powers are an important part of this.

In the short while that I have I want to say that I am very proud to be part of a government that is actually implementing this really important change to protect people with a disability. We have to start somewhere and this is a really good start. There is a long way to go, and starting with a zero tolerance approach is also really important. We need to get our service providers on board and we have to make sure that everybody in our community understands that it is not okay — it is never okay — to abuse people who have a disability. Their voices have been heard and I think that we are responding through this bill to their voices.

Ms RYALL (Ringwood) — I rise to speak on the Disability Amendment Bill 2017 and say from the outset that the opposition supports this bill. The bill strengthens those safeguards for Victorians with a disability and gives the disability services commissioner further oversight functions and powers in line with recommendations from the inquiry into abuse and disability services. To that end the commissioner will have those greater powers to investigate and report on abuse and neglect, and to make sure that from those investigations the improvements are enacted and appropriate safeguards are put in place.

It also provides the commissioner with own-motion inquiry powers to prompt investigations that may stem from other sources, and obviously the credibility of those sources can then be investigated subject to those own-motion inquiry powers and also new inspection powers. The commissioner will be able to instigate unscheduled visits without notice by appointing authorised officers to visit and conduct inspections, and therefore direct the action that needs to be taken in order to rectify any concerns. The bill also enables greater information-sharing capacity between agencies in relation to the national disability insurance scheme.

I think from my understanding there has been strong support from all stakeholders in relation to this bill. I will pick up on what was mentioned before. It is important to make sure that any abuse towards disabled people is actually detected very, very quickly — that it is prevented in the first place, but if it does happen that it is detected very, very quickly and that it is then addressed. Abuse in any form is wrong but abuse of someone who is highly vulnerable, and that includes those people who have a disability, is abhorrent. Therefore we need to make sure that we protect the vulnerable.

That is one of our main jobs as legislators: that where there are risks we legislate to make sure those risks are managed. When our vulnerable people are exposed we must ensure that those exposures are eliminated. If they cannot be eliminated, they should be detected very, very early and be mitigated or minimised. We should rectify or put in place restitution to deal with the exposure and implement measures to actually prevent it from happening again. It is certainly important that we as a Parliament approach this in a bipartisan fashion to support measures that will help protect our most vulnerable people, and that includes people with disability.

I just want to highlight the inquiry into social inclusion for Victorians with a disability that the Family and Community Development Committee undertook towards the end of the last term of Parliament. The member for Thomastown was in here earlier. I was hoping that she might be in here at this point in time, but she was also on the committee with me — a committee that I chaired. It was an important reference. I certainly know that those with a disability, their families and the agencies involved have an incredible desire, and rightly so, to ensure that people with a disability are included from a social perspective in activities that are important to them and in activities that actually provide substance and meaning in terms of their life goals. I would encourage the government to dust off the report, which contains very, very significant recommendations — recommendations made for those who are deeply affected, those who feel excluded and those who are vulnerable — have a look at the recommendations again and implement those recommendations.

We need to do what we can to ensure not just that those who are vulnerable and those with a disability

are protected from abuse but also that they are able to contribute to society in ways that they want to and ways that mean their goals for their own lives are actually able to be achieved. That was very much a focus of the committee inquiry — making sure that those people have the social inclusion that they desire. It is very, very important. As I said, I would absolutely encourage and implore the government to pull that report out, look at those recommendations and implement them in the best interests of people with a disability. It is absolutely vital that they have the opportunities that they are able to be afforded and that their life goals are based around. On that note, I am pleased to be able to offer my support and the opposition's to this bill, and I wish it a speedy passage.

Ms KNIGHT (Wendouree) — I am pleased to be standing to speak on this bill, but I am not in some ways. I feel a little conflicted about this. I think it is disappointing, I guess, that we have to be here to speak about what is a real issue in disability services, but I am very proud to be part of a government that is actually addressing this.

From the outset I want to express my gratitude to the Family and Community Development Committee, which worked on the inquiry into abuse in disability services, and I particularly acknowledge the current chair of that committee, the member for Bendigo West, who is a very good friend of mine. I know when I am out and I am talking to people and talking to my peers who are also carers they have the utmost respect for the member for Bendigo West, and it is easy, after hearing her contribution, to see why. She is very, very passionate about this issue, and I thank her. I do not think I would be remiss in thanking her for all other carers who cannot be here today but who I perhaps can represent.

It was incredibly important work that the committee did, and I thank them for it. Of course from that work we are now standing here and debating the Disability Amendment Bill 2017. The overall objective of the bill is to amend the Disability Act 2006 to improve safeguards for Victorians with a disability and in receipt of supports from disability service providers, and to implement key aspects of the government's public response to the 2016 parliamentary inquiry into abuse in disability services.

While we are talking about that parliamentary inquiry, I also want to acknowledge the current inquiry that is happening into autism services. I would encourage the committee to table that report — I know there has been an extension to that reporting date already — as soon as possible. There are a lot of people with autism, and they, their families and their service providers are really keen to see what the recommendations may be. I know that those who have contributed to that report are very anxious to see the outcome, so if I could just put in a little plug for that while I am on my feet. Thank you, Acting Speaker, for your indulgence there.

I want to quote from the Minister for Housing, Disability and Ageing's second-reading speech for this bill:

> People with a disability have the right to live free from abuse, neglect and exploitation. We must ensure that the culture within disability services promotes and upholds the rights, dignity and safety of people with a disability.
>
> It is also important to ensure that where abuse or neglect does occur in disability services, that a robust oversight mechanism is in place to ensure allegations are properly investigated and processes are in place to protect people from further harm.

It is so incredibly important. What we would say is, 'Yes, of course. Isn't that just a basic human right?', and absolutely it is. It is a basic right to live without fear of abuse. Sadly, that has not been the case, particularly for people with disabilities, for a whole range of reasons.

I know that the member for Bendigo West touched on some of the stories that she heard and the committee heard during the course of that inquiry. It is so incredibly important that those voices are heard because they are often silenced. I know that in my situation my big, strapping almost 28-year-old has no speech at all. I actually rely on other people to ensure his safety, and that can be a bit of a hard thing to do, as you can imagine, when you hand over, essentially, the care of a child — despite the fact that he is in his late 20s — to others. You do worry about his safety. When I see him I cannot ask him, 'Is everything okay?', because he cannot tell me if everything is okay or not. So it is really, really important that these safeguards are in place and that if there is anything picked up, it is investigated straightaway. Of course there are incident reports and things like that that happen, but it does kind of play on your mind, 'How do I know for sure that he's all right?'.

I want to say from the outset that the staff who support him are fantastic; they are wonderful, and I love them dearly. Certainly this is not a reflection upon them. It is a broader reflection on the system. Tom has been part of the system for 26 years and for all of those 26 years I have not known if anything untoward has happened to him. I certainly hope not, of course, but I just do not know.

Legislation such as this is incredibly important because it sets a standard. It says that this ends here. Our expectation is that people with disabilities who are vulnerable and who are in relationships with a power imbalance have every right to be as safe as anyone else.

That is our expectation, and it is here in the legislation. That sends a message to those who work with people who may be perpetrating abuse to say, 'No, that is wrong. No, you cannot do that'.

It also serves to say to those service providers, 'You need to look at your culture. You need to see where there may be weaknesses in the culture, where there may be an acceptance that, well, maybe it is okay; Tom has been a bit annoying with his Compics today, demanding things, so we are just going to hide them from him for a little while'. I am not saying that has happened, but it may prevent those things from happening. It may prevent someone from turning off someone's wheelchair because they do not feel like dealing with that. I am hoping that this legislation does send a message and does cause service providers to look at their culture to see where that culture can be strengthened.

This is going to sound very morbid, but I am not going to be around forever to check up on Tom — I do not know if I do want to live forever, but anyway. Also, I think there are people in this chamber who will understand that when you are a parent of a child with a disability and you have other kids, you worry about what those other kids' responsibilities are going to be. You do not want to say to them, 'Right, it is up to you to make sure that everything is okay with your brother'. That is an incredibly difficult conversation to have, so to have these safeguards in the bill kind of relieves the pressure on other kids having sole responsibility for the child who has a disability.

One of the things I really appreciate around this legislation is that, as the member for Bendigo West said, there was a lot of input from people with disabilities, from those who live with disability, from carers and from service providers. I am really pleased about the contribution of those who live with disability. The member for Gippsland East and I were at a little forum in the library about 'Choice, Control and the NDIS' and I refer to the saying coined by those with disability, 'Nothing about us without us'. I think that is incredibly important and it was certainly true in the context of the research that we were discussing and hearing about.

It is also important knowing that those who are impacted are the ones who have really got us here, in getting to this recommendation, in drafting this legislation and in having the confidence to speak on it. They are the ones who have lived the experience and have had the courage to talk about it in order to prevent it from happening to other people.

I really want to express my gratitude, and I am sure the gratitude of everyone here in the house, to those people who told those stories and to the carers who sat with them and listened to them as well. I want to thank the opposition for supporting this bill and I wish this bill a speedy passage through this house and the other.

Mr THOMPSON (Sandringham) — I am pleased to contribute to the debate on the Disability Amendment Bill 2017 and also to follow the remarks made by the member for Wendouree. The ability to speak what might be termed truth in the face of power or to power, or to contribute to the development of legislation is well grounded in the context of firsthand understandings of particular issues that we in the community confront.

Early in my political career, when asked how I found life in politics, I would give the example that political life ranged from the disability sector through to dealing with companies that might have a sliver of the global market and be exporting locally manufactured product to 46 countries. In the field of disability I then further parse the different categories of disability which might include intellectual disability, physical disability and psychiatric disability.

The most powerful speech I have heard in this chamber in my time was made by John McGrath, member for the then seat of Warrnambool. As I understand it, he made it just one seat along from where the current member for Ivanhoe is. He spoke about the challenges faced by his own family — he ultimately lost one of his children. He spoke about psychiatric disability and the impact that schizophrenia has had on families. He made comments to the effect that no war, no famine, no disease has exacted so great a toll on human life or caused so much suffering as that caused by schizophrenia and its impact on the life of families.

As local members, we would often be invited to meet with the boards of local welfare agencies or meet with parents of children with disabilities who were keen to see the very best achieved for their wellbeing and welfare. A number of years ago I had occasion to refer to John and Jean Holstock and their daughter, Dana, who lived to the age of 43 and saw the extraordinary care, outside the days she spent in day institutional care, provided by her parents. It was very moving to gain an insight into the care and commitment provided by her parents. I trust as the national disability insurance scheme (NDIS) evolves there will be ongoing opportunity for that paramount level of care being provided so that all children can have the opportunities that Dana Holstock had during her 43 years.

I am mindful too of another local family who are concerned about the welfare of their son following deinstitutionalisation. They told about how their son who had an intellectual disability had been bashed and bullied and had his head placed down the toilet in his schooling environment. This fellow's parents were distraught with concern following his deinstitutionalisation about his welfare and wellbeing without good supervision.

On another occasion I visited a Beaumaris family where an 86-year-old dad was looking after his 56-year-old Down syndrome son. The mother of the household had died some years beforehand. The state of the living conditions within the household could at best be described as parlous, and the level of care provided by the father, while well-meaning, did not meet the need of the moment for the welfare of his 56-year-old son. So there are a raft of questions and challenges that we as a community confront to work out how we can provide the highest level of care, the best level of care and also the safest level of care. It is in this context that we are considering this bill today.

The bill gives the power to the commissioner to investigate reports of abuse and neglect in disability services, attempting to improve safeguards for people with a disability by establishing the own-motion inquiry power and other new inspection powers. It allows the commissioner to appoint authorised officers to visit and inspect relevant premises without notice and specify action that needs to be taken as a result of investigations, and it also allows for greater information-sharing capacity between agencies in line with the transition to the NDIS. I state for the record that the bill is keenly supported by the coalition.

The question was raised in relation to the power of entry inspection without a warrant in the context of a report by the Scrutiny of Acts and Regulations Committee in the 58th Parliament's *Alert Digest* No. 8 of 2017 where, at page 13, it raises a question of the power of entry inspection. It notes that the statement of compatibility provides that:

> While the powers may involve some interference with privacy, the search powers are necessary to ensure the commissioner is able to conduct an effective investigation into complaints, systemic or individual issues of abuse or neglect of persons with a disability, or investigations referred by the minister or secretary. The powers are limited to premises that are directly related to the investigation, and to those areas where there is a limited expectation of privacy. Section 132E(1) restricts the power to premises on which a service provider who is being investigated provides a service that is being investigated. Section 132E(4) prevents the search powers being used in respect of residential areas, except with the consent of the resident, guardian or next of kin. Further, section 132F(2) prevents the powers being used to inspect or copy medical records, unless the person with a disability, their guardian or next of kin has consented.

Within the Sandringham electorate there are a number of disability organisations that have undertaken extraordinary work. Recently the federal Treasurer visited Bayley House, in an adjoining electorate, following their commitment of a further $6 billion to top up the service delivery potential under the NDIS. Bayley House has an extraordinary range of programs, both day programs and residential care. I salute the members of the parent committee of management, noting the eclectic skill sets that are possessed by the board members and the contributions by successive chairs over many years, during which there has been a sense of purpose and advocacy and lobbying. A local family, the Savage family, had one of its members, Dom, under the care of Bayley House. It was delightful to see the way many people were able to prosper with the skill sets within Bayley House.

There is also another agency, Moira Disability and Youth Services, which has provided extended care in terms of residential accommodation as well as acting as a broker for a range of other support services. One of its members, Judy Challenger, helped develop a residential unit in Correa Avenue, Cheltenham. It started from a pristine site, and on the board of Moira at the time were two people whose lifetime work had been in the disability sector. They were physiotherapists by training and keenly committed to their work and an optimum level of care.

A world-class service for disability support, a 24/7 residential care unit, was established in Correa Avenue with the support of the neighbours. Services were provided to many members of the Moira extended family within that precinct. It was a world-class facility. It had the appropriate breadth of corridors, the appropriate design layout, the appropriate number of pulleys to assist in the physical movement of people within the precinct and good landscaping within the premises. One of the responsibilities of the board was to ensure that staff within the management of that precinct met the highest levels of care in the operation of the unit. I pay tribute to the staff and members of the wider Moira community for its commitment to the care and welfare of people in care. In conclusion, the Disability Amendment Bill provides a high level of scrutiny of support services and has the support of the opposition.

Mr J. BULL (Sunbury) — I am very pleased to have the opportunity to contribute to debate on the Disability Amendment Bill 2017. The Andrews Labor government is committed to making Victoria the fairest state in the nation. We are committed to investing in and improving the lives of those that need it the most.

Our most vulnerable deserve the same chances and opportunities that are afforded to each and every one of us and each and every Victorian.

I have been particularly fortunate to form some wonderful friendships with some very special people who live with a disability. My mother, Lesley, worked hard at two Sunbury schools over a 15-year period in integration, and in this time I certainly watched how hard Mum worked and heard the stories about the many challenges her students faced, but above all I learned what an incredibly supportive community we have. Just last week I had the opportunity to meet Ernie Metcalf, the new CEO of Distinctive Options in Sunbury. Ernie, like so many, is passionate in this space. He and his team are particularly strong advocates for people with a whole range of disabilities in my community. Through the work of Mum and through the work of a number of the Sunbury schools, I became very familiar with the many barriers that those with disabilities face, whether those barriers be physical or emotional, barriers within society or barriers within community.

I became particularly close with a wonderful guy named Ryan Jans, and Ryan is sadly no longer with us. He was a truly remarkable person: funny, brave, honest and kind. He was a Blues supporter, but we will not hold that against him, and he taught me a great deal. Ry lived with cerebral palsy, and he had limited mobility and limited speech. He would drive his wheelchair with a head control and was able to put that chair into forward or reverse with the only working part of his arms, which was his left wrist. Remarkably he was able to operate his computer with that left wrist thanks to some incredible software that would help him work his computer — an incredibly important way for him to communicate when communication was so very difficult.

What I came to learn about Ryan, though, was that his courage, his resilience and his commitment to life and to always doing his very best were something that was truly inspiring. He had his wonderful mum, Karen, his sister, Lauren, and his Pa, and a very supportive network of family and friends in Riddells Creek and in Sunbury. Ry really did have to fight for everything that he ever had. As I mentioned, he had wonderful carers and a great support network, and he was well supported by the Department of Health and Human Services, but nothing was ever easy for him.

All too often we can get caught in the business of life, and our health and our mobility are things that we often take for granted, but it is when those things are taken away that we truly reflect on how important they are. Each and every day we know that thousands of Victorians suffer through disability. As a government, as lawmakers, we have an obligation to help the most vulnerable and those in need when and where we can — those like Ry and his family, who at every opportunity fought for the very best quality of life and truly worked to make his life the best that it could possibly could be. Sadly he is no longer with us, but the lessons that I learned from him were to be quick to laugh, to be quick to forgive and to do your very best to live with passion and courage.

The amendments to the Disability Act 2006 provided in this bill will work to improve safeguards for all Victorians with disabilities who are receiving important support from a whole range of services. This bill implements key facets of the government's public response to the parliamentary inquiry into abuse in disability services, held last year, as a number of speakers this afternoon have mentioned. This inquiry shone a light on far too many incidents of abuse and neglect. I want to thank those that were on the committee.

The parliamentary inquiry into abuse in disability services found substantial evidence of widespread sexual and physical assault, verbal abuse, financial abuse and neglect across the disability sector. The parliamentary inquiry found systemic normalisation of abuse within disability services, and this is obviously of great concern to all involved. The inquiry also recommended that the office of the disability services commissioner be made the key oversight body for the disability sector in Victoria, including having responsibility for receiving mandatory reports about abuse and neglect as well as own-motion powers to inquire into reports of abuse and neglect.

We as a government responded to the parliamentary inquiry on 23 November 2016 and committed to amending the Disability Act 2006, and here we are this afternoon. The Disability Amendment Bill 2017 acts on this commitment by enhancing critical safeguards for people with a disability until, of course, the national disability insurance scheme and the national quality and safeguarding framework commences from mid-2019. These amendments aim to set a benchmark for the national framework. The rights, the dignity and the safety of someone with a disability are all at the forefront of this bill.

As I mentioned, this bill provides for new guiding principles around upholding the rights, dignity, wellbeing and safety of those with a disability. Importantly the bill will provide the disability services commissioner with new own-motion powers to initiate inquiries into cases of abuse and neglect and systemic or recurrent patterns of such abuse or neglect. These are important changes. They are important powers because they go to the protection, the security and the safety of

those with disabilities. Obviously we as a government and as a Parliament have a very important role to ensure that we are doing all we can to prevent harm of our most vulnerable Victorians.

The powers of the Minister for Housing, Disability and Ageing and the secretary of the department will also be strengthened to request the commissioner to investigate certain cases of abuse. Importantly the act will now include a new guiding principle to ensure that disability services do not tolerate or normalise abuse, exploitation and neglect and should promote a culture that upholds the rights, dignity, welfare and the fundamental safety of a person with a disability.

These changes come as a result of the inquiry, but obviously there is a financial implication to them as well. I am very pleased the 2017–18 state budget committed $8.7 million in funding to facilitate the new powers of the disability services commissioner, fund training for community visitors, design a new registration and accreditation scheme for disability workers and implement stage 2 of the disability abuse prevention strategy, which expands the disability worker exclusion scheme.

You cannot imagine much worse than the abuse or harm of someone with a disability, but sadly, as uncovered through the work of the inquiry — the very important work of the inquiry — we know that it happens, and this bill is all about addressing exactly that. The Andrews Labor government does not tolerate the abuse or the neglect of people with a disability; it is simply unacceptable. We are as a government committed to improving the safeguards for people with a disability and working with people with disabilities and other stakeholders to achieve the highest possible standards.

I do want to take this opportunity in the time that I have remaining to commend the minister for the hard work, the dedication and of course the financial support that he is providing to the sector, as well as his passion for making the lives of each and every person with a disability better, safer and fairer. I think of all of the things that Ryan taught me and all of those values that he lived by, that drove him, that drove his family, and I am so very proud to have known him. It is bills like this that fundamentally go to the core, I think, of why we all come to this place — to make Victoria stronger, safer and fairer. I am very pleased to commend the bill to the house.

Mr McCURDY (Ovens Valley) — I am pleased to rise and make a contribution to the debate on the Disability Amendment Bill 2017. As the good member for Gippsland East said, we will be supporting this bill. I think everybody in this house agrees that we need to support and stand up for the most vulnerable in our communities. I did hear it said once — and I agree entirely with this statement — that a sign of the maturity of your community is how they treat their most vulnerable, and I certainly endorse this bill.

We know the purpose of the bill is to strengthen the safeguards for Victorians with a disability by providing a disability services commissioner, and that will give greater oversight, functions and powers in line with the recommendations that came out of the inquiry into abuse in disability services. It gives the commissioner greater powers — and I will talk about the lack of powers in a moment — to investigate reports of abuse and neglect in the disability sector and attempts to improve safeguards for people with a disability by establishing the own-motion inquiry power, another good addition, I think, in this legislation.

The bill also allows for greater information-sharing capacity between agencies in line with the transition to the national disability insurance scheme (NDIS), and as the member for Gippsland East also said, this is pretty much an interim bill in the short term until the complete NDIS rollout takes place. Furthermore, it will allow the commissioner to appoint authorised officers to visit and inspect premises without notice and specify the action that needs to be taken as a result of the investigations.

We know that the joint committee inquiry into abuse in disability services heard some undeniable evidence of abuse within the disability sector, which is quite disturbing. In every community we have terrific people who work in different sectors and we have those who are not so terrific, and certainly the disability sector is no different. I have seen firsthand those who do an outstanding job at the Wangaratta District Specialist School, for example, with some of the disabilities that we have in our own communities, and that is statewide. I have seen the work they do, and they are outstanding contributors to our community. I take my hat off to the work that they do.

Some of the stories of abuse that have come out of the inquiry certainly were horrific. There was evidence of neglect, financial abuse and certainly verbal and emotional abuse. We also heard that abuse occurs in day care programs. It certainly occurs in respite and in residential accommodation, and there is no major discrepancy between government and non-government providers. There were issues in both areas, and there are no boundaries when it comes to abuse within the disability sector.

One of the concerns that came out of this inquiry was that the parents who did come forward to the inquiry were quite disappointed. They felt that either their issues were ignored or they certainly were not addressed at the level that they would have liked to have seen them addressed. A survey was done, and over 46 per cent of the respondents said a level of abuse existed. A large percentage of those said that the abuse came from co-workers — which is again quite frightening — which also led to under-reporting, and that was highlighted as a significant area of concern. That in turn gives that perception or feeling that the claims were not taken seriously.

This legislation, as I said before, is an interim piece as we wait for the complete rollout of the NDIS, which will happen as the months and years go on. The NDIS safeguard framework endeavours to have the checks and balances in place. Criticism of the disability services commissioner was also highlighted — again, that complaints were not dealt with adequately. Hopefully these extra powers will change that perception and that reality. We need to ensure that the culture within the service is of a level of utmost integrity and that the oversight ensures that any complaint is dealt with to the highest level and expectation.

There will also be new inspection powers, which I spoke about before, and they will increase the oversight and the transparency. Officers will have that increased power. Certainly there will be respect for dignity and human rights, but of course carers and guardians will need to give consent. That is all very good and well, but importantly there is no expectation that they need to have a complaint before they examine a particular situation. Community expectations are that we need to protect our most vulnerable, as I said earlier. Then of course the perpetrators need to be dealt with — firstly stopped — and then brought to account. When we employ people in the disability sector we no longer want excuses such as, 'There was a wrong reason for employing someone', or, 'We didn't have time', or, 'It wasn't appropriate to put somebody else on, so we skipped a few levels and we put somebody on who was not suitable'. As a community, as a state, we need to ensure that for those who are working in the disability sector, which is a very vulnerable sector, those checks and balances have been done and that there are opportunities to examine their work on the way through. The time is right to ensure that the disability sector has the utmost oversight and transparency.

This bill was developed with strong participation from the disability sector and was based on recommendations from the inquiry into abuse in disability services. Consultation with both disability service providers and other bodies has been strong and supportive of the bill, and they have welcomed the commissioner's increased powers to investigate abuse allegations. The own-motion function is a welcome opportunity to allow investigations to take place, as I said, without allegations to begin with, and I think that is a terrific step forward.

Without further ado, as I said earlier, we are supporting the bill. We all agree in this place that we need an absolute zero tolerance within the disability sector in this area. I will leave my remarks there.

Ms COUZENS (Geelong) — I am really pleased to rise to speak on the Disability Amendment Bill 2017. This bill is to amend the Disability Act 2006 to improve safeguards for Victorians with a disability who are in receipt of support from disability service providers registered under the act and service providers contracted or funded by the Department of Health and Human Services. It is also to implement key aspects of the government's public response to the 2016 parliamentary inquiry into abuse in disability services.

It was a real pleasure to be involved in that committee and to make a major contribution. I want to commend not only the Minister for Housing, Disability and Ageing but also those other members who were involved in the inquiry for the significant work that they did. This was quite a long inquiry. It involved many submissions and many public hearings. We heard from many people with disabilities, people who worked in the sector, various organisations and the department, so a wide area was covered.

The concern for me was hearing from parents of people with disabilities in particular about the various forms of abuse that their children had suffered while they were in some form of care. In the many stories that we heard a pattern formed that there was, I suppose, an acceptance of it to some degree — that this sort of abuse was normalised within the sector and seen as okay, which was pretty horrifying to all of us on the committee.

Families attended those hearings and told their stories of their loved ones being abused in some way. It was just horrific. Even worse than that was the fact that very little had been done to deal with those issues. So this legislation is really important to people with disabilities in ensuring that we have a zero tolerance approach to that. It is going to take some time to change that culture, but this is a great start to doing it. It is really important that people with disabilities are protected and that they and their families have some right or avenue to take action when they do experience that abuse.

One of the things that was quite horrifying for me was that of the number of people who had been abused in

care who had lodged complaints nobody was able to give us an example of one actually being followed through to a charge. That was largely due to the fact that the person with the disability was not deemed to be a credible witness in some way. I found that very disturbing. We heard a lot of evidence around that. Every time we heard it I asked, 'Why wasn't the person charged?'.

I think we need to start dealing with some of these issues. In 2017 it is horrendous that we have situations where people are being abused and the perpetrators are actually getting away with it. This is not about attacking disability workers. Many disability workers fronted up to the inquiry or made submissions outlining their concerns about the sector that they work in and the attitude of some organisations and some other workers around how these issues were dealt with at the time. We have a lot of good workers in the field, but when they took action a lot of them were penalised. They were discriminated against. If they were casual, they were not given more work. There were all sorts of scenarios that came out of the inquiry that indicated that even workers were having difficulty getting anything done on this particular issue. This legislation goes a long way towards protecting people.

One of the other things that became very clear was that women with disabilities are at the greatest risk of sexual abuse and violence. We heard of one situation where a young woman had been abused from the time she was a child right through to her adulthood in, I think, three or four different supported accommodation services. For that to continue to happen is disturbing. We cannot not do something about that. People with disabilities have every right to feel protected, and when their families set them up in special accommodation — shared housing, disability housing or wherever it might be — they should feel confident that their loved ones are being cared for in the best possible way. The evidence we heard was that they are not being protected from these sorts of abuse. It went from verbal abuse to physical abuse, sexual abuse and financial abuse. There were a whole range of issues that were raised with the committee during this inquiry that really very little had been done to protect those people from. If you think that verbal abuse is okay, well, it is just not. None of us would put up with being verbally abused on a regular basis. It is abuse; it is violence. Those people need to be protected from that.

The other interesting factor that came through for me was the casualisation of the workforce in the disability sector and how much of an issue that was. Bringing in casual workers who had no real relationship with the person with the disability was another issue that was identified as quite important for the sector. There were a number of organisations that clearly indicated they were moving away from casualisation because of the potential for abuse. We were pleased to hear that some organisations were moving towards that. I know that organisations in my electorate of Geelong — Karingal and Gateways — made submissions to the inquiry and indicated their desire to have a zero tolerance approach as well, which was pleasing to hear.

This is a great bill. I commend the minister for the work that he has done on this. I again want to thank my colleagues on the committee of inquiry. I commend the bill to the house.

Mr RIORDAN (Polwarth) — I rise today to speak on the Disability Amendment Bill 2017. Like some other speakers this afternoon I wish to talk about the human element of this important legislation. In a week where this state has acknowledged the hard work done by Anthony Foster in terms of shining a light on the way we treat our most vulnerable in the community, it is important that legislation like this takes into account another element and aspect of our society that too often and for too long has been forgotten or not cared for in a way that is befitting of the people it affects.

I was born and bred and grew up in the city of Colac, which is at the heart of my electorate. In Colac is the state's last remaining institution. That institution was built in the late 1960s and early 1970s. It has been a large employer in the town and a large feature of our community all my life. It is a unique experience when you go to other communities and places that have perhaps not experienced the acceptance or had the opportunity to meet with and liaise on a daily basis with those in society who have a variety of disabilities.

I can proudly say that in a community such as Colac we have for a long time had a situation where a whole range of opportunities, activities and engagements in society have been allowed for when it comes to those with disabilities. Whether it is eating lunch down by Lake Colac in the wonderful cafe that is managed by Marie, where they have for 15 years employed people with disabilities, or whether it is engaging the local gardening service, Jiffy Services, or the Jiffy pet wash services, there are a range of activities that have kept people actively engaged in the community.

Of course with the closing of a facility such as Colanda, which this government announced last year, it is also important to remember that if we are going to have safe places for people with disabilities to live, we also have to look after the people that are looking after them. We have to care for the carers as well. Though this government has brought in this legislation that essentially puts a permanent spotlight on the way we

care for people, it would also be good for them to make sure that the people we are keeping the spotlight on and the communities we are looking after also have some security.

For example, the government has made a loose sort of commitment on how many houses they will be replacing the institution with. For this community 170 jobs in a town is a very important element. Those 170 people have children in schools. They have partners who have other jobs, and there is wide connection. It has a very big impact in a country town. When the government makes such a big decision to finally close the last institution, which I think nearly all people welcome, and replace it with houses, it is important that that is done in a dignified way that gives security to people so they know where their lives are going.

Unfortunately in our community at the moment, while we are bringing in legislation that on the one hand is going to look after people with disabilities, on the other hand we are not giving security of tenure to those who are currently doing the looking after. We are not caring for the carers. It is unfortunate that there are many people making regular representations to my office who want to know whether they have a job in the future in disability. They want to know whether the long-term relationships that they have established with many of the clients they look after will continue, whether those clients are going to be cared for in a community that in some cases they have been part of for nearly 50 years and whether, when that person moves, they are going to have the dislocation not only of a new home and a new environment but also of a new set of carers and people around them that look after them. It is an important element. We cannot see caring for the most vulnerable in our society as just an easy fix in legislation. We have also got to walk the walk and talk the talk. We have to make sure that the government looks at the care of these people in totality and not just through this legislation.

This legislation is about keeping those who are responsible open and transparent. It allows for a system in which we not only follow up things when they are reported but also follow up on the care and wellbeing of people from the very earliest inklings that things may not be going as they should.

For me this is important legislation. Not only have disability services been an important part of the community that I have grown up in, but with the change to the national disability insurance scheme (NDIS) that is now coming in — we saw the first NDIS office open in my hometown of Colac — people needing this type of care and concern from the government, who once were put in institutions, are now being put out into community houses. These community houses are not always run by the government. There are a broad range of service options that people will have.

With the federal government getting involved in the management of funds and resources it is going to be important that legislation such as this is able to go across all jurisdictions — that it is not just going to be one of those things that corrals people's concerns and worries into one jurisdiction and not the other. For example, I had a case presented to me just this week where a simple podiatry service for people with disabilities has been held up in my community because the NDIS cannot get around to authorising any of the local podiatrists to be funded for the services that they, in some cases, have been providing for people with disabilities for over 10 years. The NDIS has been very, very slow off the mark to get that authorisation through so that podiatrists can continue to provide what is sometimes a very important service to people with disabilities.

In conclusion I, like members of the government and my colleagues in opposition, support the changes that this legislation brings about. It provides a light that will continue to shine and shine very easily onto our most vulnerable. We look forward to it being passed through both houses.

Ms BLANDTHORN (Pascoe Vale) — I am very pleased to rise to speak on this bill today. As the previous speaker said, in a week where we have honoured someone such as Anthony Foster, who spoke for those who cannot speak for themselves, for those who are the most vulnerable and for those who have been taken advantage of, it is fitting that today we are considering this bill.

In my very first speech in Parliament I talked about the influences on my decision to seek election to this place. Many of those influences came from within my family, but in relation to this bill it came from the fact that both of my grandfathers had a disability. My maternal grandfather was in his 30s, happily married with five children and a sixth on the way, when he dived into the Brighton baths and broke his neck. He became a quadriplegic and could not move from the neck down. My nanna, who was a working nurse — a bit unusual at that time — gave up her paid job to become a full-time carer for her husband and eventually six children. He lived for another 14 years with his disability — again, that was somewhat unusual in those times. They certainly grew up in their family understanding issues associated with disability.

My paternal grandfather suffered a workplace accident. He owned and operated a small business in Bendigo, basically dealing in farm machinery, and he had an

accident on a tractor of sorts and suffered an acquired brain injury. This left him a very different person and ultimately left him unable to work.

Both of my parents grew up in environments where they understood firsthand that some people need more assistance than others to lead fulfilling lives. Both of my parents have always shared this understanding with my brothers and me, and they certainly sought to instil in us a sense that we are all interconnected, a sense of the common good and a sense of solidarity. They taught us that we must speak for those who cannot speak for themselves. That is why I am in this place today, and I think that is why we debate bills such as those we are debating today.

In putting some notes together for this bill I was this morning reminded of the story of a friend of mine who is the legal guardian of his sister. His sister is a 57-year-old woman with an intellectual disability. Cognitively she is about the age of seven or eight, and for the past 25 years she has been able to live independently in a block of four units owned by Housing. She has always been an exemplary tenant; despite having a cognitive age of seven or eight, she has always paid her rent on time and carefully maintained her flat, and her support networks are located around her.

Sometime late last year or the year before — 2016, I think it was — a gentleman moved into the flat next to her and basically began taking advantage of her. He stole her money — made her pay him $50 on a fairly regular basis — and eventually came into her flat and very seriously abused her. He ended up being arrested and hopefully charged, but certainly in her situation she was well and truly taken advantage of.

Stories such as those in my family and stories such as what happened to my friend's sister are sadly far too common. We know that according to the conversation the abuse and neglect of people with disabilities demands a zero tolerance response and that people with a disability have a higher risk of experiencing violence, abuse and neglect in public facilities, private facilities and in the community. While national figures are not available, within Victorian disability services alone 410 assaults were reported in 2013–14. The risk of abuse is exacerbated if people have little or no functional speech and no means to report abuses when they occur. More than 90 per cent of women with severe communication disorders, for instance, suffer abuse.

We need to hold people who perpetrate or sanction the violence, abuse and neglect of people with disabilities to account, and that is exactly what this bill does. It is a direct response to the parliamentary inquiry into abuse in disability services, and it has a zero tolerance principle. It includes an own-motion inquiry power for the disability services commissioner, a strengthening of the commission's powers under referral and information-sharing mechanisms.

People who suffer from a disability in our society are certainly amongst the most vulnerable, and those who are amongst the most vulnerable in our society should be afforded the greatest of care and the highest level of protection. Regrettably the system failed those who are most in need and those who most need our protection. The parliamentary inquiry brought to light evidence of abuse of people with disabilities. It was abuse that was widespread and abuse that was varied in nature, such as sexual and physical assault, financial abuse like what happened to my friend's sister and verbal abuse.

Widespread abuse and neglect compromises the dignity of people with a disability and in so doing compromises the dignity and integrity of the system. That these atrocities were ever able to occur in our disability sector is truly an indictment of the sector itself and ultimately on our society. The inquiry concluded that the necessary oversight and protection was just not there to prevent the harm and neglect that was caused, and for the reasons I have outlined I take that very personally. Importantly this government is unconditionally committed to ensuring that this harm is prevented from occurring in the future.

The zero tolerance principle is the key part of this bill. It is very clear that what would not be accepted and what would not be tolerated by the general public was accepted within disability services, and as the member for Geelong outlined, so often people were not believed. The *Age* has reported:

> Nearly half of all Victoria's disability sector employees have witnessed their co-workers perpetrate acts of abuse, violence or neglect on people with disabilities living in their care, a survey reveals.

The right to live free from abuse, neglect and exploitation is a right held by all people — people with disabilities or otherwise — and it is certainly a right that is supported in the Disability Act 2006. To enforce this, the bill includes a zero tolerance principle, and this represents an important commitment of this government to respond to issues and recommendations that were raised in the inquiry.

Most disability workers, as the member for Geelong said, are doing the right thing and play an integral role in creating accessible, respectful, caring services for disabled people in our state. Regrettably for some it has been too easy to do the wrong thing. This government supports the absolute integration of the zero tolerance principle towards the abuse, neglect and exploitation of

disabled peoples. The inquiry was an important mechanism in investigating these services and the way they protect vulnerable members of our society, and it is important that we take the recommendations into the fullest consideration and respect the value of the submissions made by those who participated in the inquiry. In conclusion I do not normally rely on quotes from within the party or the movement itself, but I think the federal opposition leader could not have said it better when he said:

> Labor should not be about creating monuments on hills, or statues in parks. Labor's monuments and statues are when a young person can find a job, when a person with disability can get access to the ordinary life that others take for granted.

Ms McLEISH (Eildon) — I am delighted to join the debate on the Disability Amendment Bill 2017 and pleased that this is a bill the coalition is supporting. The Disability Act 2006 was introduced into Parliament in 2006 and commenced in 2007, and essentially the amendments proposed here will strengthen this act. They will further protect and strengthen the rights of people with a disability.

Prior to the 2014 election both major parties committed to this inquiry going ahead. I was very pleased to have been part of the Family and Community Development Committee, which conducted this inquiry. Our first inquiry was titled inquiry into abuse in disability services, and the report was tabled in May 2016. There was also an interim report, which outlines in some detail the complaints processes, that was tabled in August 2015.

During our inquiry we heard of some abhorrent cases of abuse. Many of them were high profile and had quite a lot of media attention. We were also cognisant at the same time that there was the imminent rollout of the national disability insurance scheme (NDIS) — that the trial was underway and that there would be a transition period. The NDIS will obviously replace a lot of the arrangements that are already in place, but individuals will certainly be able to have choice and control, and for the NDIS there will be a complaints management program. So cognisant of all of these things that were happening in the background, we pressed on with this very important inquiry, and the bill we see before the house today is a response to that inquiry and in particular to one or two of the recommendations.

I want to outline where we found abuse occurring. Abuse was occurring not in one spot. It was occurring in a whole range of different places, ranging from a day program to a residential house or service to even a pizza restaurant. We heard of an extraordinary example of abuse that occurred very publicly in a restaurant in a particular town. With regard to the specifics of this inquiry, which looked at reporting and why cases were not reported or acted on and what could be done to prevent abuse, one area that we paid particular attention to was the complaints process. This is outlined in chapter 5 of the interim report, and figure 5.1 provides detail around the complaints process for somebody with a disability who has been abused and what they can do about it.

The figure is very confusing because the options are confusing. You could go to the disability services commissioner (DSC). You could go to the police. You might go to the staff of the particular organisation that you are at. If it is a day centre or a residential centre, you may go to the Department of Health and Human Services, whether you are a worker or a client, or the facility depending on the circumstance. You could go to a central department's complaint unit. You might complain to a community visitor. You may complain to the public advocate or the Ombudsman or even IBAC. We noted that things will change when the NDIS is rolled out, but certainly changes need to happen in the interim. It is too important. The role of the disability services commissioner, as a result, is being altered quite somewhat.

Throughout our inquiry the disability services commissioner copped quite a lot of criticism. There was, I guess, to a degree an unfair alignment of the role and scope of the disability services commissioner compared to community expectations. The commissioner's approach was criticised by several inquiry participants — quite openly criticised — but when you looked into it the actual scope and the role of the disability services commissioner were indeed limited and they were very restricted with regard to complaints. They had powers such that they could receive, assess, conciliate and investigate complaints around disability services providers. Since 2012 they have been able to conduct independent reviews and provide advice to the department about category 1 incidents relating to allegations of staff-to-client assault and unexplained injuries. As I said, these changes are in response to that.

The community and certainly the people who were very critical of the DSC thought that the commissioner did have additional powers and that they were not doing what they should have been doing, but, as I have said, the commissioner was quite restricted, so some of the changes that are being brought in here look at addressing this so that the DSC can actually take on more, be much more effective in the role and operate much more in line with what people who are working in the sector and who are stakeholders and who engage with that sector expect.

The changes around own-motion powers are very, very worthy, because people expected that the disability services commissioner had these powers when they did not, so the flexibility to establish an own-motion inquiry, I think, is extremely important. I just want to reiterate some things that were mentioned by the minister in the second-reading speech because the commissioner had powers already and some of the new powers are aligned with the existing powers. These include compelling attendance and calling for evidence and documents, applying to a magistrate for a warrant to inspect premises and issuing service providers with actions to remedy any issues substantiated as a result of an inquiry by the commissioner. I think having that flexibility built into the system is a good thing, and it does allow things to move along a little bit more quickly.

Another change strengthens the commissioner's powers under referral, and this is about service improvement. With regard to matters about service provision, complaints, abuse or neglect, the powers now will allow things around service improvements to be referred to the DSC, making the system better for everybody. So it is not just about an individual matter; it is about the bigger picture, and I think that is good.

Also there are powers of inspection. Powers of inspection are quite critical and, I would say, integral to the investigation of some concerns. Where they may have been stifled previously and time frames may have blown out, this is now being addressed. There are powers for the commissioner to undertake site visits. Of course these site visits do not just need to be undertaken by the commissioner themselves. The DSC has the power to appoint authorised officers — people who are appropriately trained and qualified — to go and conduct interviews with staff, with clients, with volunteers and with other residents or visitors, so a number of people. They also have the powers to at that time review the documentation.

If the authorised officers are refused entry — I think you would have to have a pretty good reason to be looking at refusing entry — an offence of unreasonable obstruction is being introduced. I think the disability sector will be pleased that one of the recommendations, recommendation 7.1, is being addressed here. There are a host of others and there are more changes to come, and I look forward to the government bringing those on sooner rather than later.

Mr EDBROOKE (Frankston) — It is my pleasure to rise and speak on the bill pertaining to the inquiry into abuse in disability services, which was an inquiry by the Family and Community Development Committee. I would like to start by thanking all of the people that contributed in our hearings. Often the contributions were painful recollections of things that had happened quite recently or many years ago. It was gut-wrenching hearing people talking about their children being abused. It was just abhorrent, and I think many people in the hearings, including the committee members themselves, found it quite challenging in that way.

One thing that everyone who contributed to the hearing displayed though was a passion for change to make sure that the disability sector is cleaned up for the future and is flexible enough to change and keep that security for people who deserve not to have their human rights impinged on.

I must admit that prior to being a firey I worked in special developmental schools and saw a lot of young people with disabilities, intellectual and physical. That environment was nothing more than a fantastic place for young people to learn and grow. I had never actually heard too much about people's personal stories of abuse in this sector before, and we certainly did again and again. It was just gut-wrenching. I would like to share one or two stories today just to provide you with a sense of what we are actually dealing with when we talk about this bill and what the inquiry uncovered.

One person, who we will call Josie, has an intellectual disability and lives in a group home — a village-style complex. There are a number of residents with an intellectual disability living in other units on site. Some live in units on their own, whilst others share. Josie was raped by a male co-resident within the grounds of the complex. She immediately disclosed the rape to an on-site support worker, who advised her to 'just keep out of his way'. That was what the worker said to this disabled person. The rape was not reported to police, and Josie was not offered any support or counselling of any kind. If that had happened in the street anywhere, it would have been reported to police straightaway and someone would probably have been put in jail for it and the victim would receive help. But in the disability sector we found Josie's story to be a theme, and a lot of this behaviour is just brushed under the carpet.

Another example is Lorraine, who was raped by a staff member while sharing a government-owned group home. An incident report was made after she told another worker what happened, but the report was later rewritten by a supervisor. The worker who allegedly raped the woman was then transferred to another home, and the matter was not referred to police. I was incredulous to hear this during the inquiry. We heard story after story of people who had been abused. It has been bureaucratised, it has been downplayed and it has been brushed under the carpet.

I would just like to take the time to address something that the member for Polwarth was talking about before, which was a very important point about his service in Colac and the staff at that service. I have an update for him: the government is actually negotiating with staff at that service and their union, the Health and Community Services Union, to help them stay in Colac. That might mean they relocate or it might mean they stay on, but I assure the member that they are being well supported throughout the negotiations and will be looked after.

The inquiry focused on the experience of abuse in disability services; the barriers to reporting abuse; mandatory reporting, which I will speak about in a second; and the workforce, which we found was very casualised. This was one of those chapters in your life where you hear people talk about people with no care and no responsibility. We heard about people walking into homes casually, not knowing anyone and not even knowing what to do if there was abuse. We also looked at gender and the prevention of abuse, advocacy and self-advocacy, the future of these oversight bodies and where the future lay with meshing these services into the national disability insurance scheme.

The recommendations are what we on the committee are most proud of. I just want to touch on some of them right now. One thing we found was that the language used to report incidents made the reports very bland and did not really describe what was going on, so we recommended that the department should cease usage of the term 'incident', which really denies the people who are the victims any justice for what has actually happened. Instead we recommend that they actually use the proper terminology that reflects the type of abuse. That includes, but is not restricted to, sexual assault and physical assault, violence, allegations of assault and disclosure of assault, verbal, emotional and financial abuse and neglect. We have watered this down so much over the last couple of years that we now just call these 'incidents'. These are people we are talking about; they are not incidents.

Another recommendation that I am very proud of is that disability service providers be required as a condition of registration to provide clearly documented and articulated processes for supporting employees who report abuse. We heard a story of a man who worked for Yooralla. He was a whistle-blower. The way this man was treated was absolutely shameful. We need to protect those people who have the guts to call out this kind of abuse and help people.

Another excellent recommendation involves the Victorian government extending the disability worker exclusion scheme, which will now hopefully cover all disability services and providers to ensure the scheme becomes more transparent to key stakeholders. The issue, of course, with the disability worker exclusion scheme is that workers actually have to offend before they are put on this list so they will not be employed again. What we have recommended is a working with vulnerable people check, which in essence is not far from a working with children check. It is a national check. We are going down the road that the Department of Education and Training went down quite some time ago in ensuring that the Victorian Institute of Teaching registers teachers and that they have a yearly police check. We are not just excluding people when they offend; we are picking up on anything that could be a danger to people we are responsible for and have a duty of care for in the industry.

The abuse of people in the disability sector is just abhorrent. We need to make sure the right safeguards are in place to stop it from happening. I fully believe we were elected to put people first, and we have spent the last couple of years, especially on this inquiry, making sure that people that are the most vulnerable, who cannot sometimes speak for themselves, are looked after. We are fulfilling our duty of care to them and their families so that we hear less painful stories about abuse in this sector. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution on the Disability Amendment Bill 2017, and The Nationals in coalition are supporting this bill. The purpose of the bill is to amend the Disability Act 2006 and to provide for investigation by the disability services commissioner into complaints about the provision of certain services to persons with a disability and for the commissioner to look into abuse and neglect in the provision of certain services to persons with a disability and matters referred to the disability services commissioner by the minister or the secretary.

This is essentially a straightforward bill. It will strengthen the safeguards for Victorians with a disability by providing the disability services commissioner with greater oversight functions and powers in line with recommendations from the Family and Community Development Committee's inquiry into abuse in disability services. The bill certainly builds on the work that was done by that committee, and I pay tribute to those people — members of Parliament and their staff — who undertook that inquiry. It would have had very difficult moments, but these were issues that needed to see the light of day. This is proven by the fact that we must all do what is the right thing.

In order to pursue that, the main provisions of this bill include giving the commissioner greater powers to investigate reports of abuse and neglect in disability

services and attempting to improve safeguards for people with a disability by establishing an own-motion inquiry power and other new inspection powers. This is a considerable change. The own-motion inquiry power is something that I think is necessary for those people who sometimes cannot speak for themselves.

The bill allows the commissioner to appoint authorised officers to visit and inspect relevant premises without notice and specify action that needs to be taken as a result of those investigations. Again, this is a step in the right direction to protect those who may not be fully aware of all the rights and powers they have to ensure their own protection.

The bill will allow for greater information-sharing capacity between agencies in line with the transition to the national disability insurance scheme (NDIS). That is something that will be important as we move into the NDIS world. We are seeing new players enter the field; we are seeing older players alter how they service their community. So I think it will be extremely important to be able to share information and to ensure that there are no carpetbaggers in the NDIS field. That is going to be very difficult. We have seen it in the employment and education areas, where people's motives are about profit rather than about providing a service. That has caused a great deal of grief across the education and training sector, and it is something that we want to avoid with the NDIS.

The bill has strong support from all stakeholders. In Mildura we have a number of disability service providers. I am going to talk about a couple of them because they have something extremely strong that links them together. One is the Christie Centre, which has been working in the disability area for a very long time. They provide care. They also provide a number of social enterprises to enrich that caring experience. The Mildura Chocolate Company produces specialist ranges of chocolate and is a very successful social enterprise.

Then there is Aroundagain, which works in cooperation with Mildura Rural City Council at the landfill to encourage recycling and which also has a commercial paper shredding business embedded in it. It serves our community in many ways. Anyone who comes from Mildura will tell you that a trip to Aroundagain's warehouse to look at the second-hand goods for sale will have a real adventure as well as a shopping experience. Aroundagain run an emporium, which is a business they picked up that deals in reconditioned office equipment, and they also have a wing called ArtRageUs, which is their art studio.

Sunraysia Residential Services provides accommodation for those with disabilities and, depending on the disability, various levels of service. They also provide additional services to other people with disabilities. They have something called the Benetook Farm which is a very exciting adventure. Again, this is adding value to their organisation and value to the experience of those people who are not as well off as the rest of us.

Benetook Farm began as a chicken farm and a small vegetable farm but it has grown into so much more. It has a maze, it has some workshops and it has a ripper of a strawberry patch, by the way. But what holds these organisations together is volunteers. These social enterprises that create that quality experience for our disabled people are held together by volunteers, people who give their time to assist in whichever way they can. I think that is something that is very special and adds that respect and value in the disability sector. These are two organisations. There are many others in Mildura which work in that disability area and provide a service, and all of them have at their core a service model supported by volunteers.

Turning now to the consultation on this bill, feedback was sought from national disability services and service providers and advocacy groups, including the Tipping Foundation, Yooralla, Anglicare, Baptcare, Able Australia, the Association for Children with a Disability, Down Syndrome Victoria, Autism Victoria, Scope, EACH, Action for More Independence and Dignity in Accommodation, Interchange and others. The feedback that has been received was supportive of this legislation. With those words, the Nationals in coalition are supporting this bill.

Mr CARBINES (Ivanhoe) — I want to make some brief comments in regard to my support for the Disability Amendment Bill 2017 while providing opportunities for other colleagues to speak. Certainly no-one in the house tolerates abuse in disability services. I would like to pay tribute to the chair of the Family and Community Development Committee, which did a lot of work on this issue, the member for Bendigo West and now Deputy Speaker.

As you will be aware, when we put our trust and our faith in the state, or organisations that have been sanctioned by the state, to care for vulnerable people, we do so in the best interests of those individuals. In doing so we leave ourselves exposed to expecting people to meet high standards and organisations to be accountable. Whether it be in religious-run organisations, in the care of wards of the state at times or in those places which care for vulnerable people with disabilities, not always have standards been met by those charged with those responsibilities.

We now come to what has been put forward in this amendment bill. The parliamentary inquiry found in particular that the disability services commissioner needs to be the key oversight body for the disability sector in Victoria and should be given key powers to conduct own-motion inquiries into reports of abuse and neglect. We have seen with the work of people like Bernie Geary, the former commissioner for children and young people, how significant the capacity to run own-motion investigations is. Providing that power to the disability services commissioner is significant and very important. I am pleased that the amendments in this bill provide us with the opportunity to deliver that.

Can I say also that I have noticed some commentary from the disability services commissioner, Laurie Harkin, AM. I have a lot of respect for Laurie. I had the opportunity to work with him in his then role as a regional director in what was the Department of Human Services when I was working as a policy adviser to a past disability services minister and former member for Melbourne, the Honourable Bronwyn Pike. Laurie has been a very strong advocate not only for people with disabilities in his current role but also as someone who understands service delivery for vulnerable people and their families and the accountability that is required of those institutions and organisations that are charged with their care.

He said in a letter published in the *Ararat Advertiser* on 10 February, and I quote:

> In this new environment —

the national disability insurance scheme (NDIS) will mean 18 000 more jobs for support workers across the state and more service providers —

> I encourage all individuals living with disability, their families, friends and support workers, to be aware of their right to 'speak up' to my office if they are unhappy or concerned about the Victorian disability service they receive. We can also take complaints about NDIS-funded services. Our service is independent, confidential and free. The NDIS can bring positive change for people with disability. My office is here to help.

I know his record of work will benefit in the future from the amendments in this Disability Amendment Bill.

I also touch on the work of people like Julian Gardner. In his public advocate role in the past and in the work he has done over a very long period of time he has been a very significant leader in making sure there has been accountability, certainly for community visitors. People like Julian deserve our thanks for their work.

I also want to acknowledge a lot of our workers — our staff, the people who work with Lloyd Williams and the Health and Community Services Union, psychiatric nurses, people with disabilities and disability support workers to provide advocacy for not only those who receive care in disability support but also those who commit their working lives to care for them and to look out for them. They are professional people who work very hard. I think it is important to acknowledge their work and their desire to make sure that the changes we are seeking to put into practice and into law with these amendments are also about providing greater safeguards for workers who intend to, and who do, provide great care.

But this is about strengthening the capacity to hold to account organisations and individuals who do not meet the standards that they should, particular in the northern suburbs of Melbourne and places that have history, like Mont Park and others — Kew Cottages as well — places that we have been involved in. There have also been a number of others — like Colanda out towards Colac — that certainly had engagement in one period and have been involved in some policy work about how there is change.

What we wanted to make sure of, of course, is that this change also brings about certainty for families and certainty for individuals. When there is change we need to make sure that we are meeting our obligations to people, that they have the safeguards they need and that there is very clear accountability, not only for governments — past, present and future — but also for those people and organisations that take taxpayers money and are asked to provide a service to individuals and vulnerable people in the community.

I think we have seen some good work in the past. We understand a lot more clearly what can go wrong, and that comes through in some of the changes that we have seen in the role of the child safety commissioner and some of the work that was raised through the parliamentary inquiry. We are picking up on a lot of what was said in these amendments to strengthen the capacity to hold to account different organisations and individuals in the community and to provide a greater level of understanding and empowerment to people with disabilities and their families. They are important and they need to understand that they have rights that are easy to access and pursue. Some of the changes that we are putting forward in these amendments are very important.

Lastly, I want to touch on the work in the past of people like Arthur Rogers, a public servant who has done a lot of work as the executive director of disability services here in Victoria and someone who I have had the opportunity to work with. I know there is a great regard for the work that he does. There are also people like Kevin Stone at the Victorian Advocacy League for

Individulas with Disability (VALID) in the community. These are people who have devoted their working lives to the advocacy of vulnerable people in our community. It has been very instructive to have had informed discussions over many, many years with people like that.

When you get the opportunity to serve in this place and you get to bring your own critical eye to amendments in disability services legislation and you get this opportunity to deal with people like Kevin Stone or people like Lloyd Williams, Julian Gardner, Laurie Harkin, Arthur Rogers or Bernie Geary, you get a better understanding of the contribution made by those individuals as well as the families of people with a disability. You get a better understanding of the accountability of elected representatives to make sure that we walk the walk and that we continue to improve rights and justice for people with disabilities. I believe that these amendments do that, and I commend the bill to the house.

Ms SHEED (Shepparton) — I rise to make a contribution to the debate on the Disability Amendment Bill 2017. It is a bill that seeks to strengthen the protections for people with disability. It is a piece of legislation that is an important addition to the arsenal of legislation designed to safeguard the most vulnerable citizens from abuse and neglect, but I think it can only be seen as a step along the way. There is still much more to be done. It aims to amend the current act to ensure such exploitation is neither tolerated nor normalised and that services are provided within a cultural framework of upholding the rights, dignity and wellbeing of those who are living with a disability.

I had the absolute privilege of sitting on the inquiry into abuse in disability services as a member of the Family and Community Development Committee. It was a truly amazing experience to come to that and to hear such a broad range of evidence. The purpose of the bill is, first of all, to enable the disability services commissioner to look into complaints about the provision of certain services to persons with disability, to look at abuse and neglect in the provision of certain services and to also broaden the powers of the disability commissioner.

This is something that actually came up quite a bit in the evidence that was taken. There was a real frustration with the processes around the disability commissioner's powers. There was a sense that there was much too much mediation, much too much arbitration and not enough outcomes or findings or actions perceived by so many of the families who had taken their complaints to the commissioner. There was also a perception by the commissioner that he did not have the power of his own accord to investigate complaints, and if there was any doubt about it, this bill now certainly clarifies that. I think that will be very welcome.

One of the first things that we were asked to do at the commencement of this inquiry was to watch the *Four Corners* program of 24 November 2014, and that was a program that highlighted the abuse of people with a disability in the Yooralla institution at Benalla. It was a truly dreadful, dreadful saga to consider what had happened to certain people in that institution, but worse than that was the absolute failure of the institutions to address in a proper manner what had occurred. Across the whole time that we heard evidence, some from really distressed people, their greatest frustration was the lack of ability of the institution which their child was in to address issues in a really appropriate way.

The committee heard a lot of evidence in Melbourne and of course from many of the experts in Melbourne, where they are located, but we also travelled to regional areas, including Bendigo, Shepparton, Benalla and Mildura. The member for Mildura spoke of many of the places there that provide services for people with disability, and we visited those. It is really heartening in a regional community sometimes to see the way the community embrace people with disability, particularly in relation to workplaces. The Mildura Chocolate Company was a really lovely example of that.

In Shepparton we have Shepparton Access, and we have ConnectGV. These are organisations that work very hard to engage older people when they have left school, and often there is a real gap after education concludes to move into the workforce and undertake useful work.

Some of the evidence will never leave me. For example, there was the mother who came into a room at 55 St Andrews Place and the first thing she did was to put a photo of her child on the desk — a seven-year-old, say, somewhere around that age. She just said, 'I want you to see that this is a real person, that this is my child. This is the child I love and now I am going to tell you what happened to her'.

That is just etched in my memory: the mother's grief and pain as she then explained what had happened to her child and demanded of us that some action be taken to deal with the absolutely unbelievable way in which the complaints in relation to her child had been dealt with, the lack of recognition of that child's needs and the lack of accountability by those who had affected her.

A mother from Shepparton talked about the long-term abuse of her son — her son has no speech — and the vulnerability of that young man, firstly, as a child of about nine years old. That was when she first became

aware of his abuse. There were several other times over the course of his life when he was again abused. We saw the grief of that mother, knowing that she had handed over her child to an institution in the belief that he would be cared for, respected and just be dealt with in a fair and reasonable way.

We heard from an elderly mother in Bendigo. The greatest fear of older parents was what would happen to their child once they were gone because, inevitably, so many of these people with disability will live much longer than their parents. There was the great fear and anxiety of handing over responsibility for your child to a state institution or a not-for-profit institution and not having the confidence anymore, as a result of so much of the evidence that was coming out, that they would be safely cared for. It is just a terrible thing to think that you might leave behind a child when you die who will not be looked after. That lack of confidence in the system was a real issue that we perceived along the way and certainly influenced the recommendations we ultimately made.

There were many very passionate people and there is no doubt the parents of children with disability can very often be very strong advocates for the children. We saw many of those. Some were very, very angry, and with good reason. The vulnerability of people with disability is obviously different for many different people. There is such a big range of disability, from the young man who was speechless to others who are much less vulnerable and able to articulate their own needs.

Following on from the articulation that access to the disability services commissioner was often frustrating and not giving the results that were needed, it is really pleasing to see that these powers are now being extended: that the commissioner is now able to go into institutions and inspect them, that he is able to take evidence from people with a disability, that he is able to enter their rooms with their consent and look for evidence if he needs to, and of course that he is able to initiate an inquiry of his own. I think the report of Bernard Geary in 2015 about young people living in out-of-home care was an excellent example of a commissioner going in and doing what really needed to be done and coming up with results that were shocking to all of us and also need a lot of addressing.

One of the big issues that came up in the inquiry was that of gender, and the fact that so much of the sexual abuse of those with a disability was perpetrated by males. The committee recommended that the Disability Act 2006 be amended to provide that the gender preference of people with disability be recorded. In other words, that their preference of the gender of the person who is going to provide them with intimate care be recorded and that they have some say in who is looking after them. I think this is a really important amendment. It is not in this bill, as I understand it, but it is something that I hope will come in the future. It is very important.

Recommendation 5.1 of the final report was that the Victorian government should expand current programs and initiatives for the prevention of violence against women and make all of these services much more accessible to them. The data is really strong that it is often women with a disability in services who are so often the victims.

The rolling out of the national disability insurance scheme (NDIS**)** will see many more organisations come into the space. It will often see individuals coming into the space to provide care. Never before has the need for protection for people with a disability been greater because I think we will see an expansion of service providers, and it is very important that on a national basis the NDIS also sets up a framework for the protection of people with a disability. There has been a call for a royal commission in our recommendations, and I hope to see that happen. I support the bill.

Mr PEARSON (Essendon) — It is always a pleasure to follow the member for Shepparton. The member for Shepparton has been in this place for as long as I have and in every contribution I have listened to her make she always provides the house with a heartfelt, measured, considered and thoughtful contribution. I think the people of Shepparton are very lucky to have her as their local member. I have no doubt that the sincerity she brings to this place she carries with her in the discharge of her duties in her electorate.

Deputy Speaker, I congratulate you because I believe the bill that is before the house is a result of the work of the committee which you chaired. This is a really important piece of legislation.

I think as you travel through life you are exposed, certainly in this role, to people from different walks of life, people who have been dealt a bad hand, people who are worried about near and dear ones in their lives. I remember when my mother was in rehabilitation recovering from a cerebral haemorrhage there was a young man in rehab who would have been around my age. He had overdosed on heroin, I believe. When he had overdosed he caused a significant level of brain damage and he was in a wheelchair. He had lost a great deal of his mobility and his speech. He would at that stage have been maybe 23 or 24. If he were still alive today he would have spent the rest of his life in care. He had a sister and he had parents, and you do think about

how they would help him and care for him and make sure that he did have good quality of care.

In this role I have met with Valley Carers, a support group of parents of disabled children. They are active in Moonee Valley. These parents, many of whom are now in their 60s or 70s, have real cause for concern. They worry about what will happen to their children. It causes an enormous amount of anxiety when you think about what will happen to your children when you pass on.

I note that the member for Burwood is often commenting about the Markham estate and talking about public housing in Burwood. I had the privilege of going to the member for Burwood's electorate. I went to a public housing estate that was run by the Port Phillip Housing Association, and I went to a two-bedroom unit in one of the towers. This was public housing or social housing operated by Port Phillip housing. I met two women on this tour. They were in their 60s. Both were disabled, and they were living together and looking out for each other. They wanted to show me and the people I was with their accommodation. It was a safe environment and it was a dignified environment, and it provided a safe place for them to live. I remember thinking at the time that if I had a child who was disabled and I was nearing the end of my life, that was the sort of place I would want them to live in.

This is one of those vexed issues where sometimes you might say, 'Well, I don't have anyone in my family who's disabled. I don't have a child who's disabled. This will not affect me'. But life can deal you a bad hand sometimes, and there are certain circumstances which are presented to you where you might find yourself in that situation. I remember a woman who went to school with my sister-in-law. She was 18 when she was in car accident and was critically injured. She lives in one of these facilities now. You would not have thought it when she was 17 or 18 — she had the world in front of her — and yet a set of circumstances presented itself and she finds herself in a situation like this.

Having a bill like this is important because it is about making sure that we have an appropriate regulatory framework in place to protect people who are vulnerable. Many of the parents of disabled children do a fantastic job of trying to support and care for their children. In my electorate, the Farnham Street Neighbourhood Learning Centre provides a number of support services for different groups, like the Boomerang Network, which is for people with mental health issues or other disabilities. It provides a safe environment for people to come together and socialise and have that level of care and support.

But it is concerning. There is a young woman I met who is disabled. She would be in her early 20s. She is very vulnerable. She has two parents who care for her and look after her and provide protection for her, but she is incredibly vulnerable. She is very warm and she is very engaging and she is very chatty, but when I see her out socially and I see her in those environments, I worry. I worry for her, and worry about what would become of her. Making sure that we have the appropriate regulatory frameworks in place to protect these people is really important.

I was not in the chamber for the member for Gippsland East's contribution, but I understand it was a very good contribution. I have thoroughly enjoyed my experience of committee work. When committees are allocated or tasked to members by the Parliament and people from different political perspectives and different walks of life come together to earnestly work together to try and find the best possible outcomes, invariably you end up with a good piece of legislation, like the one that is before the house.

Committee work is often not really well understood or well recognised out in the community. But through the dedication of the work that you did, Deputy Speaker, as chair of this committee, and that others such as the member for Geelong and the member for Shepparton did, we now find ourselves in a situation where we have got a very good piece of legislation for the house, which will provide the level of protection that vulnerable Victorians need and deserve and warrant. On that note, I commend the bill to the house.

Ms KILKENNY (Carrum) — I would also like to contribute briefly to the debate on the Disability Amendment Bill 2017. Deputy Speaker, I would like to thank you and all members of the Family and Community Development Committee who conducted a parliamentary inquiry into abuse in disability services. I absolutely commend the work that you did and the very detailed and very considered and respectful response, which was tabled in this place in November last year. I cannot imagine the work that you did. It could not have been easy. I have read that report, and it depicts some pretty harrowing evidence that was presented — accounts of very widespread abuse of people with a disability right across the sector. This included sexual and physical abuse, financial abuse and neglect. You also received an enormous amount of evidence that linked neglect with unexplained deaths.

I think what makes this so harrowing is that we are talking about fellow Victorians — not them, the disabled people, but us. These people were being abused by carers who were set up specifically to care for them. I guess what makes this more distressing is

the realisation that the abuse of these people with a disability has become normalised in the sector.

When things are normalised it is also apparent that there is going to be under-reporting of that abuse as well, and indeed I understand that in their role that was the evidence committee members received: that people with a disability and family members were in fact reluctant to report abuse when it happened. That was because they feared reprisals, they were intimidated, they were bullied, they were marked out as troublemakers or they were ostracised. I think all of them felt genuinely let down and profoundly distressed by their experience of that. There was also evidence, I understand, from disability support staff who indicated a reluctance to report the abuse.

I think it is important to fully acknowledge that the normalisation of abuse within the disability sector and across disability services really reflects a much greater and broader normalisation across all of our communities. This is really heartbreaking, but I think it actually needs to be acknowledged — we cannot just be saying, 'This is the disability sector'. Similarly we saw this kind of normalisation in the work of the Royal Commission into Family Violence, which highlighted how normalisation of degrading and demeaning attitudes toward women has given rise to family violence. In this regard it is our own cultural and community attitudes which have normalised these views, and language about women or language about people with a disability has resulted in this normalisation of the abuse.

This bill is a significant step. It is a powerful statement. It is saying we will not stand by and accept abuse in disability services in Victoria. It is setting a benchmark in safeguarding the rights, dignity and safety of people with a disability. I absolutely commend this bill to the house.

Debate adjourned on motion of Mr PESUTTO (Hawthorn).

Debate adjourned until later this day.

BAIL AMENDMENT (STAGE ONE) BILL 2017

Second reading

Debate resumed from 7 June; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Mr CLARK (Box Hill) — In relation to the purposes of the bill, I want to touch on the issue of the treatment of bail justices, which is reflected in various elements throughout the bill and also in some of the matters that the Attorney-General foreshadowed may be the subject of further legislation. I want to put on record concerns in relation to bail justices and seek the Attorney-General's response to them.

I think it is fair to say that after the horrific attack on Bourke Street some remarks were made publicly that reflected adversely on bail justices and raised the imputation that the fact the alleged offender in the Bourke Street attack was on bail was due to some shortcoming on the part of the bail justice involved. As far as I am aware, the community does not know the full facts of what happened in that particular granting of bail, and I do not want to make any comment one way or another on those particular circumstances because we just do not know.

I think the more general suggestion that was made — and unfortunately, I have to say, including from the Premier — was that shortcomings on the part of bail justices may well have been a contributor to the fact that this person was on bail or at the very least a contributor to deficiencies in our system of bail. I think that that suggestion is unfounded and potentially counterproductive in that in my observation bail justices have made a very valuable contribution to the bail regime. They have tended to be very conscientious, diligent and able in the way that they exercise their duties, and I am very confident that they are probably more closely aligned to community expectations and to what is required than unfortunately quite a number of magistrates are. I certainly do not think that it was fair to them or conducive to the best interests of the community and the best outcomes of justice for them to be disparaged in the way they were in some comments made at the time.

I am happy to provide the Attorney-General an opportunity to make comment on the government's attitude towards bail justices. I would certainly hope that he would reaffirm his regard for the work that they do and also potentially give some indication as to the government's intentions as to their future role, because I do believe that bail justices have served the community with great diligence. Despite references to them being untrained volunteers, they have in fact undergone very stringent training and induction, they have gained a great deal of experience and practical

common sense in the course of the performance of their duties and they have served the community well.

If the government is proposing to substitute some other regime that limits the circumstances in which there is any granting of bail on an interim basis pending a person being brought before a court, then obviously we would deal with and consider that on its merits. But the prime reason for me raising this issue at this point is to place on record my high regard for the work that our bail justices have done and my concern that there has been some suggestion that they are a weakness or failing in our justice system and our regime for bail and to seek the Attorney-General's response, and hopefully his affirmation on behalf of the government, that our bail justices are in fact held in high regard.

Mr PAKULA (Attorney-General) — Can I say there was a lot in those comments from the member for Box Hill, and I would like to deal with as much as I can in the time that I have. He talked about the reflections that were made publicly on bail justices. I hope that he would accept that none of those reflections that he refers to were made by me. Indeed in a number of public comments I defended the work of bail justices. I made the point that he himself has made today, which is, and I wrote down what the member for Box Hill said, 'the community does not know the full facts' of the circumstances in which bail was granted.

I might just take this opportunity to point out that, even though that is the case, it did not stop the opposition from asserting that there was a fundamental flaw in the bail system that needed to be immediately rectified. The fact is that, as the member for Box Hill has indicated, we do not fully know — and I suspect we will not fully know until the coroner's report is handed down — all of the elements of that decision-making process, including what information was placed before the bail justice, what the individual was being bailed for and all of the circumstances that persisted on that night when that decision was made.

As I say, I have made no representations which cast aspersions on bail justices. However, it is true that there were a number of public comments made, including by representatives, as I recall it, of the Police Association Victoria in particular. I think those comments changed over a period of days. There were also, I should indicate to the house, attempts made by various organisations and outlets to publish the name of the bail justice and to find out other information about the bail justice, all of which were strenuously resisted by the Department of Justice and Regulation for the very reason that the member for Box Hill points out, which is that to finger-point, blame or victimise the bail justice in question in this circumstance would have been wholly unjust.

Having said all of those things, let me then go to the other — or, I suppose, the substantive — point that he makes, which is: is there a recognition from me of the diligent and good work that bail justices do? Absolutely there is. There is also a recognition from me about the level of training and the level of expertise that bail justices have, as the member for Box Hill indicated in his remarks. I again reiterated all of those things at the time in January. It is not accurate to say that they do not do training; they do significant training. I should put on the record at this point that the member for Box Hill has been absolutely consistent in his commentary about bail justices for a long period of time, back to the point where he was Attorney-General and, for all I know, well before that.

In regard to what will happen in the future, he rightly indicates that there are within the government's consideration at the moment a number of those matters which have been raised, particularly in Coghlan's second report, and which go to whether or not in the future there might be a different regime whereby a third party might not be brought in after hours. As he knows, in New South Wales there is a regime whereby police are able to make some of the decisions that are currently made by bail justices in Victoria. As I have indicated both in the second-reading speech and elsewhere, the complexities around that are matters that we are considering for the second bill. The fact that the government is giving deep consideration to that element of Mr Coghlan's second report and the fact that we are contemplating a regime where police might have greater say in the future should not be interpreted as disrespect to bail justices or a reflection on the very, very important work that they do.

Mr CLARK (Box Hill) — I thank the Attorney-General for that very comprehensive response, and I certainly reaffirm that nothing in what I said was intended to suggest that the Attorney-General had at any stage made any adverse reflection on bail justices.

Could I follow up by raising the concomitant issue of the night court, which as it was described at the time and to date, as far as I am aware, has involved a sitting of the Melbourne Magistrates Court continuing midway into the evening. It has been observed by colleagues, and I think by me as well, that we have some reservations about whether the night court is going to bring about improvements in the bail regime, in part because unfortunately we do have concerns about some of the exercise of discretion by some magistrates in granting bail. That is certainly not a universal reflection on magistrates, and I know there are many, many able magistrates, but unfortunately there have been too many instances where decisions to grant bail do seem to be out

of line with what the community would expect and what is necessary to properly protect the community.

I might say that that is the feedback that I and perhaps, from what I know, the Attorney-General, and certainly others, will have received from bail justices who have complained to me bitterly that they have refused bail to various individuals because they did not think that they qualified and the bail justice was concerned that the individual was a risk to the community only to find that that individual had shortly thereafter been released by decision of a magistrate and then ended up back before that very same bail justice on further charges. So there is a concern about that, unfortunately, but there is also a concern that what is referred to as the night court is not going to work effectively if it is only going to sit early into the evening.

I know there are measures that have been underway to extend the operation of the night court, and it may be to extend it to sittings other than at the Melbourne Magistrates Court. I am not sure of that, and that is the reason I raise the issue at this stage, because the current operations of the night court and the government's intentions as to potential further extensions of the night court are an important part of the circumstances and background against which this bill needs to be assessed. I ask if the Attorney-General can inform the house as to the current status and operations of the night court and what the government's intentions are in relation to it.

Mr PAKULA (Attorney-General) — I am just getting some information forwarded, but until that point let me say a couple of things. In regard to bail justices versus magistrates and the decisions of magistrates, the member for Box Hill as a former Attorney-General knows better than anyone that one of the features of living in a society where we have an independent judiciary is that whilst attorneys-general appoint magistrates and judges and justices of the Supreme Court, once we have done that and they have been sworn in, they become independent members of the judiciary, and we cannot sit with them and make each decision concurrently with them. It is a matter that ultimately is for them. What we can do apart from — —

Mr Clark interjected.

Mr PAKULA — Other than via our appointments, I would say to the member, we make laws which we expect the judiciary to apply. One of the elements of this piece of legislation is that we are providing greater and stronger guidance to the courts for the making of those decisions.

In regard to the question of bail justices versus — and I use the term advisedly — magistrates, as the member would be aware, in most circumstances bail justices and magistrates are making decisions about bail in different contexts. Bail justices are ultimately making a decision about whether someone ought to be remanded until they can be brought before the court — often that is only the next day or within a matter of days — and magistrates are ultimately being asked to make decisions about whether or not persons should be potentially remanded until their trial, which might be many, many months away. So we are not really comparing apples to apples.

In regard to the night court, I can indicate to the member that as at 1 May some 280 people had appeared before the night court, some 227 had been remanded, 52 had been bailed and one matter had been finalised. That was at 1 May; I do not have any more current statistics than that.

The other thing that the member should be aware of is that we have been progressively increasing the coverage, in an hours sense, of the night court. But he would also be aware that recommendation 29 of the Coghlan report — that is in the second report — was that ultimately a bail and remand court ought to replace the night court and weekend court; that it ought to sit in two shifts from 9.00 a.m. to 10.00 p.m., seven days per week, covering the state; that headquarter police stations should be equipped with audiovisual links; that once that bail and remand court is fully operational, senior police members should be able to remand adult accused, other than vulnerable adults, overnight; and that bail justices should be retained for other purposes.

So there is a recommendation from Mr Coghlan that we transition away from a night court to a bail and remand court that would operate for some 13 hours a day, seven days a week, and if that were to be implemented, that would make much easier that other part of the recommendation relating to police being able to make decisions to remand accused overnight.

Mr PESUTTO (Hawthorn) — My question is in relation to purposes as well. Clause 1(a)(i) says one purpose is 'to make fresh provision about the circumstances in which bail may be granted or refused and who may grant bail'. I note in the Attorney-General's second-reading speech that it says towards the bottom of page 3:

> The bill does not otherwise alter the reverse onus tests which will continue to apply to schedule 1 and schedule 2 offences committed by an adult and a child. The government is still considering Mr Coghlan's recommendations about how these tests could be reformulated. Any changes to the tests will be included in a later bill.

I guess I am seeking some advice from the Attorney-General on what that means in practice. It is clear that this bill will introduce schedule 1 and schedule 2 offences, which will widen the circumstances in which the applicant for bail will bear an onus, but the actual test remains unchanged. I am just seeking confirmation or advice on that as a fact and that going forward, until any measures are brought before the house that will change that, while we will have a broader range of offences that will trigger a reverse onus test, the actual test that is being applied by magistrates and courts, and for that matter bail justices, will remain unchanged.

Mr PAKULA (Attorney-General) — I would say two things about that. Firstly, in fact Mr Coghlan recommended that 'show cause' be expressed as 'show good reason', and the government in fact has determined that it should be expressed as 'show compelling reason'. One of the reasons for that is that at least anecdotally there is a sense that for some bail decision-makers — let me use a broad term — 'show cause' had potentially become almost meaningless as a descriptor, and it was important that the act have a description of the reverse onus test which was crystal clear about the intention of this Parliament in terms of what this reverse onus test should mean. So now, rather than it being expressed as saying that the accused person should show cause why bail should be granted, it says the accused should show a compelling reason. It is the view of the government that in terms of a way of describing that reverse onus test, it is a term which is far less capable of confusion and it is a far more easily explicable and accessible description of what the Parliament intends this test to mean.

In regard to the other matter that the member has raised, it is the case that the first report talked about effectively a two-stage test in terms of the unacceptable risk test, and one of the reasons that the government brought forward a first bill rather than waiting for all of these matters to be resolved is that the question of how we interrelate this unacceptable risk test with the two reverse onus tests is a question of some complexity, which we are working through. I am sure the member for Hawthorn could imagine that there are a couple of different ways that could be formulated, but we are intent on ensuring that the spirit of Mr Coghlan's recommendations are put in place, and the first thing that should be considered is whether someone is an unacceptable risk. If they are, that is the end of the matter; bail is refused. We are working very diligently with the department and with other interested stakeholders, including the police, to ensure that we get that formulation correct.

Ms STALEY (Ripon) — I want to ask about the following paragraph in the purposes clause:

> (i) to make fresh provision about the circumstances in which bail may be granted or refused and who may grant bail …

I will just say up-front that I am participating as a local MP rather than as part of the current lawyerfest that is going on, so please bear with me. I recently attended a weekend bail hearing with a bail justice in my electorate to gain an understanding of the process that they go through, and I found it really fascinating. The bail hearing was actually where I live, in Ararat, so it was easy for me to get to, but the bail justice came from over an hour away. There are no bail justices in Ararat.

One of the things that became apparent to me was that some of the uncertainty that is going on with the future of bail justices is making it very hard to get new ones, and there are areas in Victoria that do not have one. I suppose my question really goes to this: if we do not have bail justices in rural areas going forward, the alternative is to take accused people to large regional centres. It is the police who do that, and it takes police resources out of a local area. I would like some clarification from the Attorney-General in relation to the thinking about special provisions to deal with rural areas where they do not have magistrates and they do not have a night court and how we can continue to ensure there is timely access to bail hearings.

Mr PAKULA (Attorney-General) — I thank the member for the question. It is a completely legitimate issue that she raises. The Honorary Justice Office continues to consider areas of need in regard to bail justices. The member would probably be aware that there are in some areas more people that want to be bail justices than there are positions available. The Honorary Justice Office always endeavours to ensure that there is sufficient coverage. The Royal Victorian Association of Honorary Justices works very hard in various regions to ensure roster systems are in place so that there is coverage. I am not wearing my cufflinks today, but I certainly have a set. I am sure the member for Box Hill has one as well.

In regard to the future, let me say that this is again why we have decided to introduce bail reform in two stages. We want to deal with those matters that could be dealt with relatively simply in the first bill whilst recognising that there are some serious complexities of the sort that the member for Ripon has outlined in regard to regional coverage. We have no intention or desire to make regional coverage, for want of a better term, more difficult. It is quite possible that the way that bail justices currently work in regional cities will continue for some period of time, if not beyond that. One of the

things Mr Coghlan recommends is that we look at rolling out even further the use of video technology in police stations so that bail hearings can be conducted that way. It may well be that as we move forward there might be different arrangements which exist in places where there is easy access to a court to those areas where there is not easy access to a court. All of those matters remain under consideration.

Let me be absolutely clear. No decision has been made to reduce the number of bail justices or indeed at this time to change their role. That is not to say that there will not be a decision of that nature in the future, but in making that decision we want to be absolutely sure that we can continue to provide that rapid response and rapid access to bail hearings, whether through a bail justice, through a video link in a police cell or through a bail and remand court. They are the complexities that have created the need for a two-stage process.

Mr HIBBINS (Prahran) — My question is in regard to clause 1 and the purposes. In the bail review Paul Coghlan said section 4 of the Bail Act should be amended so that it provides that:

> in applying the unacceptable risk, exceptional circumstances and show good reason tests, a bail decision-maker must take into account —

more detailed factors, including:

> the nature and seriousness of the alleged offending, including whether or not it is a serious example of the offence;
>
> …
>
> any special vulnerability of the accused, including by reason of youth, being an Aboriginal person, ill health, cognitive impairment, intellectual disability or mental health;
>
> the availability of treatment or support services;
>
> …
>
> the length of time the accused is likely to spend in custody if bail is refused …

and:

> the likely sentence should the accused be found guilty of the offence charged …

There are also the existing factors in the act, such as the accused's criminal history and the strength of the prosecution's case, yet it appears that this bill does not provide for these additional considerations. I was wondering why that is the case.

Mr PAKULA (Attorney-General) — Quite simply, as I have indicated now on a number of occasions, the government made a determination that we would deal with what we would describe as the easier recommendations to implement from a technical sense in the stage one bill and other elements of the recommendations in the stage two bill. As I think I have already indicated, the interaction between the unacceptable risk test and the reverse onus test — and by extension the application of the unacceptable risk test, which is the recommendation that the member for Prahran has just read from — are matters of some complexity, and it is the government's intention that they would be dealt with in the second bill.

Clause agreed to.

Clause 2

Mr PESUTTO (Hawthorn) — Given the circumstances that led to the Coghlan review emanated from the Bourke Street tragedy and from public agitation for changes to the bail laws, I note that the default commencement for the bill is 1 July 2018. I know the Attorney-General would not be able, I presume, to provide any definition around potential dates, but I would like him to address how soon he thinks these changes can be implemented.

Mr PAKULA (Attorney-General) — I had a feeling that the member for Hawthorn might ask this question. It is a reasonable question. As the member for Hawthorn would probably expect, my answer is that we will commence the act as quickly as we can. For his information I just remind him of a couple of other bills that have been the subject of debate in this place in recent times. The Crimes Amendment (Carjacking and Home Invasion) Bill 2016 had a default commencement date of 1 July 2017 and an actual commencement date of 7 December 2016, so we beat that default commencement date by some seven months. The Sentencing (Community Correction Order) and Other Acts Amendment Bill 2016 had a default commencement date of 2 October 2017, and it commenced on 20 March 2017, so again we beat that by some six and a half months.

I am not making that point guaranteeing that we will again beat the default commencement date by six months or anything of that nature, but it is a demonstration of the government's bona fides in that when we introduce a bill we do our level best to commence that bill as soon as we can. In regard to the two bills I just referred to, we demonstrated our capacity to actually commence those bills some six months before the default commencement date. In this circumstance, like in those circumstances, we will endeavour to have this bill commence as quickly as we possibly can.

Clause agreed to; clauses 3 and 4 agreed to.

Clause 5

Mr CLARK (Box Hill) — I want to raise the issue of the adoption of the term 'compelling reason' instead of the current 'show cause' and the term 'good reason' that Mr Coghlan recommended. The Attorney-General touched on that earlier, but I would like to see some sort of confirmation and elaboration. I take it that the term 'compelling reason' was adopted as distinct from 'good reason' because the government considered it a more effective expression of what the government was asking the Parliament to intend, and the Attorney-General said as much earlier. I take it that the intention is that in a sense a 'compelling reason' is a tighter test than a 'good reason', and perhaps the Attorney-General could confirm that.

It is a difficult question, I know, but I seek for the Attorney-General to give an indication to the house as to what the government has in mind for what could constitute a compelling reason. I would imagine that if an accused could in some circumstances provide compelling factors that demonstrated they were not the risk to the community that they might otherwise be, then that could be a compelling reason. I wonder if the Attorney-General could give me examples of other circumstances that might constitute a compelling reason. Could potentially family circumstances, employment needs, travel commitments or other obligations amount to compelling reasons? Are the compelling reasons confined to those that might go to the guiding principles of the bill which are to be inserted that are about maximising safety, the presumption of innocence, fairness and transparency in particular? I acknowledge it is a difficult question, but it would be helpful for the Parliament and the community to know a bit beyond what I assume is the objective that a compelling reason be a tighter test than a good reason in order to give some indication of how the Attorney-General envisages that test would operate.

Mr PAKULA (Attorney-General) — I will try and deal with those matters sequentially. I think I addressed this to some extent in an answer to an earlier question in regard to clause 1. The government does consider the term 'show compelling reason' more appropriate because in our view it better conveys the government's intention and, hopefully upon passage, the Parliament's intention that the onus is borne by the accused. Sometimes language is important. In fact language is always important and, as I indicated earlier, in terms of a plain-language expression of the sentiment that the onus is borne by the accused, we think that 'show compelling reason' expresses this better than 'show good reason' or 'show cause'.

I think I will decline the member's kind invitation to seek to define that any further for the courts. As he knows, the courts already have a body of precedent in regard to the reverse onus test, and no doubt that will continue to develop. The Parliament will obviously have the opportunity to, if necessary — and I hope it is not necessary — provide further guidance in the future if that is the case. But the language of the bill speaks for itself.

In regard to the other matters that the member for Box Hill raised in terms of whether I could provide guidance on the sorts of things that might be taken into account, as I have already indicated in response to the member for Prahran, the government has not at this stage chosen to deal with recommendation 5, particularly as it interacts with recommendation 3 and recommendation 4. The member would note that recommendation 5 goes to all of the sorts of issues that are taken into account by the courts in a general sense when determining whether bail should be granted, and I have already indicated that we believe there is a high degree of complexity in the question of the interaction of the reverse onus tests, the unacceptable risk test and those general circumstances that the courts take into consideration when granting bail.

That is why we have not dealt with recommendations 3 and 5 in this bill, because we are determined to ensure that we get those interactions right. For example, the interaction between the unacceptable risk test and a reverse onus test will, by necessity, be different to the interaction between the unacceptable risk test and a person who is not in the reverse onus position, and we need to make sure that we get those interactions right.

Mr RIORDAN (Polwarth) — I wish to discuss clause 5, which amends section 4 of the act. Subclause (1)(a) states:

> for "a court" substitute "a bail decision maker" …

Having spent some time recently in my electorate and across my district, and with the provision of much-needed bail services, there are a couple of issues that collide at once that create a further problem. The fact is that not only are most gaol cells and conditions not up to scratch for keeping the accused for very long periods of time, a matter of hours in some cases, but also there is a need for immediate bail justice services. Of course they are needed by both the local constabulary and the community as a whole. One of the issues that then leads to is the need for bail justices.

Bail justices currently are a dying breed. In country areas we have a situation of some older people who are not necessarily up to driving the literally hundreds of kilometres that are expected of them to volunteer their

time over the course of a weekend or in fact during the late hours of a weekday, so the issue is around how this bill will deal with keeping the supply. The government has referred to night courts, which may be well and good for Melbourne. Video links I guess — if the internet works and the national broadband network is operating in a particular area — could provide some respite there, but at the end of the day bail justices provide an important service, and without them police resources in country towns are further tied up. I would seek the minister's view on how the bill will deal with providing a more sustainable and longer term program for recruiting and maintaining bail justices.

Mr PAKULA (Attorney-General) — I thank the member for Polwarth for his question. In a direct sense the bill does not do any of those things. The bill itself does not provide for the recruitment of additional bail justices in Polwarth. I did, in response to the member for Ripon, make some general comments about the government's intention to ensure that there is ongoing coverage in regional Victoria. The bill does not create any presumption against there being ongoing coverage of bail justices where necessary in regional Victoria. The Honorary Justice Office continues to recruit bail justices. I think we have some 250 bail justices across the state at the moment.

In regard to the matter he raises about the age of certain bail justices, the former government passed legislation which imposed some ongoing requirements from a training point of view and from an attendance and availability point of view on bail justices. Bail justices are measured against those requirements, so they need to be reasonably available. If they are not, they can be removed and replaced by people who will be more available when necessary. That is a way of ensuring that communities such as those in the member's electorate have an ongoing service from bail justices.

As I have indicated previously, we are continuing to consider the interaction between police remand, the use of bail justices particularly in regional areas, the availability of audiovisual technologies and the ongoing rollout to police stations, and the potential implementation of a bail and remand court. All of those issues remain live, and in the meantime the role of bail justices, including in the member's electorate, are unchanged.

Clause agreed to.

Clause 6

Mr CLARK (Box Hill) — I want to raise the issue of conduct conditions to be imposed by the proposed section 5AAA under clause 6. These are of course conditions that are designed to greater protect the community, and of course conditions of that sort are a continuation of reforms that were made under the previous government to make explicit the sort of conditions that could be imposed on a grant of bail.

The point I want to make is that, as I understand it in the case of juvenile offenders, these conduct conditions will operate, if they are attached to bail granted to a juvenile, in the same way as any other conditions attached to a juvenile would operate following the changes that were made previously by the current government — namely, that if a juvenile breaches one of these conduct conditions, that will not constitute an offence, whereas it will constitute an offence if breached by an adult offender. I just want to place on the record that if that is the situation, it is very concerning indeed. Equally concerning is the decision by the government to scrap an offence for those juveniles who breach existing conditions, and it exposes exactly the same weakness in relation to conduct conditions. I seek the Attorney-General's response to that concern.

Mr PAKULA (Attorney-General) — I am not sure I am going to have long enough to say all of the things that I would like to say in regard to this. Let me make a couple of brief points. The opposition, I think, needs to get its story straight on this issue. First of all it said, 'Well, if it's no longer a chargeable offence, a breach of conduct condition, young people will be breaching bail without consequence and they will all be out on the street'. The fact is that there are more young people remanded today than there were before this change took effect in May 2016. The fact is that it is still open and in fact occurring that whenever a young person breaches bail, they — —

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

Clause agreed to; clauses 7 to 29 agreed to.

Bill agreed to without amendment.

Third reading

Motion agreed to.

Read third time.

SENTENCING AMENDMENT (SENTENCING STANDARDS) BILL 2017

Second reading

Debate resumed from earlier this day; motion of Mr PAKULA (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

DISABILITY AMENDMENT BILL 2017

Second reading

Debate resumed from earlier this day; motion of Mr FOLEY (Minister for Housing, Disability and Ageing).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017

Second reading

Debate resumed from 7 June; motion of Mr PAKULA (Attorney-General); and Mr PESUTTO's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and part 3 redrafted so that certain of the proposed additional powers in part 3 be instead made available for existing orders for young offenders'.

The SPEAKER — Order! The question is:

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

Those supporting the reasoned amendment of the member for Hawthorn should vote no.

House divided on omission (members in favour vote no):

Ayes, 45

Allan, Ms	Languiller, Mr
Blandthorn, Ms	Lim, Mr
Bull, Mr J.	McGuire, Mr
Carbines, Mr	Merlino, Mr
Carroll, Mr	Nardella, Mr
Couzens, Ms	Neville, Ms
D'Ambrosio, Ms	Noonan, Mr
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Scott, Mr
Graley, Ms	Sheed, Ms
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
Knight, Ms	

Noes, 34

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

Amendment defeated.

The SPEAKER — Order! The question is:

> That this bill be now read a second time and a third time.

All those in favour say aye.

Honourable members — Aye.

The SPEAKER — Order! Those against say no.

Mr Hibbins — No.

The SPEAKER — Order! I think the ayes have it.

Mr Hibbins — The noes have it.

The SPEAKER — Order! The noes have it? I think the ayes have it. Is a division required?

An honourable member — Yes.

The SPEAKER — Order! A division is required. Ring the bells.

Bells rung.

The SPEAKER — Order! The house will divide on the question that this bill be read a second and a third time. I ask members to take their allocated seats in the house, and I ask the Clerk to record the votes.

The Clerk — The member for Melton.

Mr Nardella — Yes.

The Clerk — The member for Shepparton.

Ms Sheed — One yes.

The Clerk — The Greens representative.

Mr Hibbins — One no.

The Clerk — The Nationals Whip.

Mr Crisp — Seven yes.

The Clerk — The Liberal Party Whip.

Mr Katos — Twenty-seven yes.

The Clerk — The Government Whip.

Ms Halfpenny — Forty-two yes.

The SPEAKER — Order! As there is only one vote for the noes, we cannot proceed with the division. Would the member for Prahran like his dissent recorded?

Mr Hibbins — I would, thank you.

The SPEAKER — Order! That will be done.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017

Second reading

Debate resumed from 7 June; motion of Mr MERLINO (Minister for Emergency Services); and Mr WALSH's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to:
>
> (1) retain the provisions providing for the presumptive rights of firefighters; and
>
> (2) take into account further consultation with Volunteer Fire Brigades Victoria, volunteer firefighters and other associated organisations about the proposed amendments to the Metropolitan Fire Brigades Act 1958 and the Country Fire Authority Act 1958.'

The SPEAKER — Order! The question is:

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

Those supporting the reasoned amendment by the Leader of The Nationals should vote no.

House divided on omission (members in favour vote no):

Ayes, 45

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

Noes, 35

Angus, Mr
Battin, Mr
Blackwood, Mr
Britnell, Ms
Northe, Mr
O'Brien, Mr M.
Pesutto, Mr
Riordan, Mr

Bull, Mr T.
Burgess, Mr
Clark, Mr
Crisp, Mr
Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Guy, Mr
Hodgett, Mr
Katos, Mr
Kealy, Ms
McCurdy, Mr
McLeish, Ms
Morris, Mr
Ryall, Ms
Ryan, Ms
Smith, Mr R.
Smith, Mr T.
Southwick, Mr
Staley, Ms
Thompson, Mr
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Amendment defeated.

The SPEAKER — Order! The question is:

That this bill be now read a second time and a third time.

House divided on question:

Ayes, 45

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

Noes, 35

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

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Domain railway station

Mr HODGETT (Croydon) — (12 799) I raise a matter for the Minister for Public Transport, who I am pleased to see is in the house this evening. The action I seek is for the minister to listen to the concerns of the Domain Road and St Kilda Road community and reconsider the options and alternatives put by experts regarding the construction of Melbourne Metro, in particular the Domain railway station.

The 2017–18 state budget confirmed that the Andrews Labor government has already begun to suffer cost blowouts with Melbourne Metro, which will now cost in excess of the $10.9 billion most recently quoted. Victoria has eight years to get Melbourne Metro correct. It is already hugely deficient in that the Minister for Public Transport has refused to incorporate two extra underground platforms at Osborne Street, South Yarra, so that at Melbourne's busiest railway station outside the five in the CBD passengers on the Cranbourne and Pakenham lines can travel to and from South Yarra without having to change trains at Caulfield.

I want to seek the minister's assurance that she will act upon the requests of the 200 residents who attended a recent meeting about Domain railway station. The design of Domain station is deficient. It should be deep tunnelled, not constructed by cut and cover. The latter will create a huge pit along St Kilda Road and may take longer than the claimed five years. It will take 20 to 30 years for replacement trees to create the attractive canopy we see today. Domain station should use pedestrian walkways to and from the existing Domain tram interchange, which was opened in 2013 and is very well designed. The construction of a replacement St Kilda Road platform stop is unnecessary and reduces the number of lanes available along St Kilda Road.

Rerouting of what is now the route 58 tram along the soon-to-be-built tracks along St Kilda Road must not be

permanent. Transport for Victoria and Public Transport Victoria must ensure that route 58 returns to its existing route along Domain Road that provides very close access to our iconic attraction the Royal Botanic Gardens. Route 58 trams turning into and out of Toorak Road West will be disruptive for motorists travelling between Toorak Road and Kings Way, requiring an extra T-light cycle. It will also be suboptimal for Yarra Trams users.

The Andrews government has refused to listen to the local community such as the Save St Kilda Road group. Melburnians will end up with a poorly designed railway station at Domain and no Dandenong line trains at South Yarra under Labor. The Minister for Planning's advisory panel saw the need for extra platforms at South Yarra. In the case of Domain, some local residents with engineering qualifications noted the shoddy design and poor siting of the proposed railway station.

Under Labor there has been a complete lack of real consultation with local residents despite this being a once-in-100-year chance to get the Melbourne Metro design correct. Again, I seek that the minister listen to the concerns of the Domain Road and St Kilda Road community and reconsider the options and alternatives put by experts regarding the construction of Melbourne Metro, in particular the Domain railway station.

Broadmeadows electorate sporting facilities

Mr McGUIRE (Broadmeadows) — (12 800) The adjournment matter I raise is for the Minister for Sport, and the action I seek is funding to assist the Jacana Football Club and the Jacana Cricket Club to undertake design work to help upgrade their facilities. This would greatly assist in saving footy in its backyard.

While the AFL has invested hundreds of millions of dollars to expand the game in the northern states, I am informed that it has not invested in Melbourne's northern suburbs. The AFL has now been able to deliver a billion-dollar television rights deal because it has expanded into the northern states and those markets. I am looking to make sure that there is a public interest dividend in footy in its backyard in the northern suburbs, particularly with the Jacana Football Club.

This is the only remaining footy club in my electorate, and it has a long and proud history, having produced such champion players as Carlton legend Bruce Doull, Brownlow medallist Scott Wynd and Chris Johnson, a three-time premiership player with Brisbane. This would be an important community hub as we look at the revitalisation of Broadmeadows and how we keep community cohesion. Obviously we are looking for new industries and new jobs, how we develop lifelong learning and how we use sport to connect the disconnected. Particularly with the great expansion of women's football, here is a chance to get people to participate in such teams.

I am also looking at that to complement the interest we have from Rugby League to have a hub in my community, which also has, from their perspective, a really strong demographic and physique of players that they are very interested in. We have also developed soccer clubs in the community.

This is a real opportunity to build on the assets we have got, to develop them to provide inclusion and to connect the disconnected. I think it is important to have that proposition about community-based connections, to be part of a team, to learn the disciplines of sport and to have that help in how you evolve in your life. To put it bluntly, I quite often say, 'It is better to be in a team than in a gang'. If you are getting lifelong learning, if you are getting skills and jobs, and if you are connected in this way, that delivers a sense of community and pride, and a sense of achievement in performance.

Kilmore bus services

Ms RYAN (Euroa) — (12 801) The adjournment matter that I would like to raise this evening is for the Minister for Public Transport, so I am pleased to see that she is at the table. The action that I seek is the funding of additional bus services for the community of Kilmore. As the minister would most likely be aware, the Kilmore East railway station is some distance from the centre of the Kilmore community, some 5 kilometres, which makes the bus timetable particularly problematic for people wishing to take the train to and from the Kilmore East railway station.

I have raised this issue in the house on a number of occasions, so I think the minister is across the issue, but it is an issue for Kilmore's younger residents and elderly citizens in particular, who obviously in many instances cannot drive and therefore find access to the train service more difficult. The train is Kilmore's link to Melbourne and is important for people wishing to access educational opportunities, health care and other services, and of course employment. There are a large number of people who commute to and from Kilmore each day for that purpose.

The bus timetable as it is currently scheduled fails to meet all of the trains within a reasonable time frame, which means people who do not drive have to wait at the station for friends or family to pick them up or they need to pay for a taxi into town. Weekends and public holidays are of particular concern for the community; of course people's need for transport does not stop on

those days. The community has also been petitioning for additional stops along the route within the town, particularly at the hospital, and I know there has been a proposal for an additional stop at Coles as well. All of that is important to improving connections within the community, which is not the easiest to access.

I request that the minister actually provides some funding for additional bus services to meet the concerns of the community, which have been raised now over several years. I know she did come recently to a public transport forum in Wallan. I understand from talking to a number of people that they felt that it was a reasonably select crowd, but I do know that the minister is aware of the concerns that have been raised on a number of occasions by the Kilmore community, and it would be greatly appreciated if she could fund some additional bus services.

Calder Rise Primary School site

Mr CARROLL (Niddrie) — (12 802) I rise to address a matter for the attention of the Minister for Education. The action I seek is for the minister to join me in a meeting with the mayor and chief executive officer of Brimbank City Council and representatives of the Victorian School Building Authority to discuss the sale of the former Calder Rise Primary School site in Green Gully Road, Keilor.

Calder Rise Primary School closed on 31 December 2009, before my election in March 2012. On two separate occasions the former Calder Rise Primary School site was offered to Brimbank council. The initial offer was made on 19 February 2014, and the council advised that they had no interest. A second offer was made on 2 September 2015, to which the council also responded with no interest. On 25 March 2014 Brimbank council, under the former administrators, passed the following resolution:

> That council writes to the Department of Treasury and Finance advising it does not have an interest in acquiring the surplus school sites at the former Calder Rise primary …

On 26 June 2014 I wrote to the then Liberal Minister for Education outlining the local community's disappointment with the council's decision and seeking clarification of the proceeds of any sale being invested back into the community. I also wrote to the then Minister for Planning on behalf of the Keilor Residents and Ratepayers Association taking up their concerns, in particular about the issue of the Calder Rise site remaining for community use.

Following the election of a democratically elected council in the City of Brimbank in October 2016 there is a new willingness to engage on the issue of the former Calder Rise Primary School site. The site has been identified by the Keilor Football Club and the Keilor Sports Club as being required for the growing AFL Women's league and to cater for growth in children's sport as well as the strong local sporting community that Keilor possesses.

Newly elected Brimbank mayor Cr John Hedditch, in a letter dated 2 May 2017 to the Minister for Education, said:

> The Green Gully Road site has enormous potential to contribute to improving open space and recreation opportunities for the local community …
>
> Council believes it is highly preferable and entirely possible for this valuable public asset to be transformed to meet the existing open space and recreation needs of the local community, and support a range of burgeoning sports that are increasingly attracting the participation of women and children.

I believe with a newly elected council and goodwill from both the council and the state government there is an opportunity for a successful purchase and transfer of the school site to the council.

Under the former administrators Brimbank disposed of the Sunshine library site for $4.6 million and undertook a controversial sale of three parks, netting over $8 million. Given the funds reaped by council from the sale of these public assets, I believe they can give serious consideration to purchasing the Calder Rise site, which has been identified by the council and the local community as having strategic value for the community. To this end I urge the Minister for Education to sit down with me, the council and the CEO of the Victorian School Building Authority to give Brimbank City Council a third chance to seize this wonderful opportunity that is before them.

Department of Environment, Land, Water and Planning

Mr BATTIN (Gembrook) — (12 803) My adjournment matter is for the Minister for Energy, Environment and Climate Change. The action I request is an investigation into the member for Frankston's office in relation to material that has come from his office and been leaked on Facebook directly by constituents within his electorate. Confidential information that went only to the department then went to the member for Frankston and was passed on to a friend of his, Brad Hill, who is an ALP member, a former councillor and a representative of the member for Frankston on occasion at various events. This material was released on Facebook — —

Honourable members interjecting.

Mr BATTIN — You cannot hide this.

Mr R. Smith — Stop the clock.

The SPEAKER — Order! Without the assistance of the member for Warrandyte. Stop the clock.

Ms Allan — On a point of order, Speaker. I seek some guidance and assistance from you to indicate if this is an appropriate way for the matters that are being raised by the member for Gembrook to be raised or whether they should be raised by substantive motion given the allegations he is starting to lean into regarding another member of this place.

Mr BATTIN — On the point of order, Speaker, in relation to the allegations that are being raised, they are going back to the department, where obviously the material has come from. The minister is in charge of that department. The investigation would have to begin within her department to find out how the material has got either from her or her department to the member for Frankston and from there has ended up on social media with comments being made on social media about a person from the member's constituency.

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

Mr BATTIN — In relation to this you have got Brad Hill, who has put these documents on Facebook. They have been leaked on there. There was a separate Facebook page under the name of Carl Groves which changed to Michael Carr and then to Vanessa Lovell. These are three Facebook profiles for one site that has had its name changed on three separate occasions. I know that the member for Hastings has in the past challenged the member for Frankston in relation to these particular sites, and just after the member for Frankston was challenged those sites disappeared.

The person in question is Quinn McCormack, who has a very proud history of working within the Frankston community in the environment area. Her complaint has come through to my office because she cannot go to her local member for obvious reasons — material that goes through that office has ended up on Facebook and she cannot trust it.

There have been ongoing concerns with the committee of management down there. We know the management of the specific park there has been handed back from the committee and is going back over to Parks Victoria. I know that Quinn has been working with them on that, as has the council in the past. I think it is important to know how a document that was sent through to a department ended up on social media when it was sent in confidence to the minister. We are more than happy to table all the documents, if the house would like, which is all the Facebook screenshots of what exactly has happened. By leave, I move to table all the documents in relation to the Facebook — —

Honourable members interjecting.

Mr BATTIN — No? Again the government is trying to hide this. We have a member out there working with one of his local friends, who represents him at Anzac Day events and other events, and they are intentionally using these kinds of tactics to stand over a local councillor, a local from the area who has done so much for the local environment and so much for the community. What we have is a member of Parliament who is using the power he has to get this material, even if it is via the department. I think it is vital that the minister works out whether the leaks have come from her, her office or her department. It is important that we hear back from the minister about this and that we assure Quinn that she is safe, because there have been ongoing issues within that committee in the past, including family violence orders et cetera. It is vital that she has that protection.

Maribyrnong River boat ramp

Mr PEARSON (Essendon) — (12 804) I direct my adjournment matter to the Minister for Energy, Environment and Climate Change, and the action I seek is that the minister facilitate a meeting between her office, the Essendon Anglers Club and the Department of Environment, Land, Water and Planning to discuss the provision of a boat ramp in the Maribyrnong River.

Department of Health and Human Services

Mr MORRIS (Mornington) — (12 805) I raise a matter for the Minister for Health in her capacity as the coordinating minister of the Department of Health and Human Services (DHHS). The action I seek is that she investigate the access charges imposed by the department on freedom of information applications, and in particular the manner in which the total estimated charges are calculated, and provide advice accordingly. I want to make it clear from the start that I am not asking the minister to become involved in a particular FOI application or refusal of information. There are obviously other avenues that can be pursued for that in terms of operational issues.

I will provide an example. Earlier this year I sought a summary document outlining total departmental expenditure by month from 4 December 2014 to 3 December 2016 relating to catering, travel, hospitality and accommodation. That request went to the Department of Health and Human Services and the

Department of Justice and Regulation (DJR). In both cases the departments responded and identified the relevant account codes and provided advice to me on the access charges. Remember we are seeking the same information. In each case the department identified the account codes, and in each case the department proposed a VPS 6 public servant undertake the work. DJR said it would take an hour and cost $56.23; DHHS said to provide the same information would take 5 hours and cost $282.10. DJR said there would be no photocopy charges; DHHS indicated five pages would be processed. So if you include the $1 photocopying charge, that is a cost of $56.62 per page, and a deposit of $141.55 was sought. The department was clearly saying it takes five times as much work to produce the same information. It is nonsense.

There are three possible explanations: DHHS are hopelessly inefficient, and I do not buy that for a moment; they are seeking to profit from their FOI applications, and I do not buy that for a moment; or, as I think is most likely, they are using the charging structure to try and discourage applications of this sort and hope I will go somewhere else. After all, this is the department that has failed to provide details regarding the ambulance dispatch codes, details of the reclassification from priority 1 and 2, and details of reprioritisation of $32.9 million of public money, all of which they agreed to supply at public hearings of a joint investigatory committee and then failed to do so. I am asking the minister to look at the department. I suggest taking five times as long to put together the same information as another department is clearly nonsense, and I would like the minister to investigate and provide advice accordingly.

Early childhood education

Ms GRALEY (Narre Warren South) — (12 806) My adjournment matter is for the Minister for Families and Children and concerns the *Early Childhood Reform Plan: Ready for Kinder, Ready for School, Ready for Life*. The action I seek is that the minister visit a kindergarten in my electorate to discuss these vital reforms with local families. We are undertaking these reforms because the evidence is overwhelming that the early years matter. They matter because early childhood education can set a child on course for successful lifelong learning — indeed, to what kind of life they will lead. We need to get them on the right track from the very beginning.

I am so pleased to see these nation-leading reforms funded in the Andrews Labor government's 2017–18 state budget. In fact $202.1 million has been provided to expand and reform our early childhood sector and ensure every child can thrive. This includes $81.1 million to support all parents in their handling of the challenges of parenting and improve their access to skilled professionals at maternal and child health services, as well as a $108.4 million boost to our kindergartens to ensure they can deliver high-quality programs for our children, including $55 million in school readiness funding so kindergartens can provide additional support to the children who need it most.

I can tell you that in my electorate there are children that come to school very unprepared for taking on the challenges of prep. There are kids that miss out on kindergarten and are not school ready. There are kids that go to kindergarten and are still not school ready. Being able to have this extra funding to pinpoint the issues and challenges that those children may be facing before they get school, so that they can have a better start in their primary school education, is very important — and it is very important to families in my electorate. They deserve to have access to the very best, whether it is at their local kindergarten or at the maternal and child health service.

This makes a big difference in people's lives, and it is really fantastic to see the Andrews Labor government has really taken this very important part of a child's development very seriously and committed substantial amounts of money to it in the most recent budget. Making Victoria the Education State starts with the early years, so I hope the minister will enjoy coming out and meeting with the kindergarten community to discuss these much-needed reforms.

Mitcham Road, Mitcham

Ms RYALL (Ringwood) — (12 807) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is that he enable the availability of data on tow truck call-outs to accidents, accompanied with the associated *Melway* map grids, so that interested parties such as my community can identify the full picture on accident stats on a given road or intersection.

The Mitcham Residents Association has had significant concerns in relation to an area of Mitcham Road with regard to risks for those exiting driveways and side streets, because of parking along Mitcham Road limiting the view of drivers. Approximately 84 per cent of Mitcham residents were favourable towards restrictive parking in this narrow section of Mitcham Road to prevent accidents from occurring. Crash data does not include all accidents if police or emergency services are present; this depends on injury or death. It is difficult to assess risks if accidents are not recorded when they do not result in injury or death, and therefore

an accurate assessment of the number of accidents at a particular location is not available to those concerned.

Anecdotal evidence from those who live there is that the number of accidents in this area is significantly greater than the existing data shows. While VicRoads has an Excel data sheet for all of Melbourne, it is difficult to manipulate and it only gives the data regarding accidents where injury or death is sustained.

To be proactive and confirm the concerns the Mitcham Residents Association has regarding this area of Mitcham Road and indeed other roads, it would be extremely helpful to have data on the tow-truck call-outs with the associated *Melway* map grid. That way problem areas may be objectively identified and discussed to better assess risks and identify necessary action to prevent injuries and indeed fatalities. My understanding is that this would not be a huge task as the data is there. Having the associated grid map from *Melway* would certainly help people understand exactly the location that those tow trucks are called to. Given that the tow trucks are directed to a particular site, they already have to have that information available to them.

State Emergency Service Frankston unit

Ms KILKENNY (Carrum) — (12 808) My adjournment is for the Minister for Emergency Services, and the action I seek is for the minister to provide an update to my local community in Carrum Downs and Skye on the next steps involved in setting up a new satellite unit of the Frankston State Emergency Service (SES) at Skye. Frankston SES is located in Seaford in my electorate of Carrum. I recently met with unit controller, Phil Holt, and deputy unit controller, Brian McMannis, to discuss and celebrate the news that their unit would be expanding to include a new satellite unit on the old site of the Skye fire brigade, thanks to funding in the 2017–18 Victorian state budget.

The announcement to establish an SES satellite unit in Skye has been welcomed wholeheartedly by SES members and the local community. We will see SES and Country Fire Authority (CFA) volunteers become neighbours in Skye, following the Skye fire brigade's relocation to their brand-new station just around the corner, thanks again to the Andrews Labor government. I look forward to joining with Skye CFA volunteers later this month to officially open their new CFA station. I know the Frankston SES unit and my local community are keen to receive an update from the minister about the next steps for the SES satellite unit in Skye.

Responses

Ms ALLAN (Minister for Public Transport) — The member for Euroa raised a matter with me regarding additional bus services for the community around Kilmore East. In her contribution she identified the challenge for that community of being able to have and access bus services that connect to train services.

As the member also identified, I was recently very pleased to attend a public forum in Wallan. There were a number of people from the Kilmore community there, as they are not that far up the road from each other, and talk on the issue of buses was a dominant feature of the conversation in that community. In her contribution the member also referred to attendance at that Wallan forum as being for a select few. I would like to identify for the member that the forum was advertised in the local papers. Indeed we would have welcomed the member to come along and attend. It was very much a community-based forum. I would not have had a problem at all if any member of Parliament had wanted to — —

An honourable member interjected.

Ms ALLAN — We extended a very public invitation for people to attend, and it was a really good conversation. There were local council representatives there as well. As I said, it was a good conversation, so I am well aware of the issues about bus services in that community.

I have Public Transport Victoria looking at these issues: how we can improve transport more broadly in this area but also bus services because they are a particularly important feature in that local area. If the member is interested in being kept informed, I am happy to keep her informed of these matters.

I would also like to highlight — I hope the member is already aware of this — that we are in the process of constructing 50 new car parks at the Kilmore East train station. We recognise that there is ongoing demand and growth for both train and bus services in communities big and small across regional and rural Victoria.

The member for Croydon raised a matter regarding the Metro Tunnel, and in particular the design for Domain station. In his contribution he made a number of points that I would like to take the opportunity to address. The issue of the design of the Domain station is one that has been canvassed extensively, exhaustively and very publicly through both the business case development that was undertaken by the Melbourne Metro Rail Authority and through the very public environment effects statement (EES) process, which had public

hearings and panel meetings. This was an issue that was examined, as I said, extensively and exhaustively.

I am aware of alternative views that are being put out there on the Domain station design. I think it is important to note that the reason that we are talking about the Metro Tunnel is because the Andrews Labor government decided this project was a top priority, despite the former government not just putting it on the shelf during their four years in government but scrapping it altogether. The only reason we are talking about the design of the Domain station as part of the Metro Tunnel project is that the Andrews Labor government is getting on with delivering this really important project that is going to create up to 5000 jobs during construction.

In regard to the design of the Domain station, I would like to point out that through the extensive EES process that was undertaken during the course of last year, the EES and the finalisation of that process led to approval of the design of the Domain station. We have to look at some of the features that make Domain station an important part of our future transport network. This will bring train services to this part of Melbourne, this busy part of St Kilda Road, for the very first time. We know that the St Kilda Road precinct is an incredibly important part of Melbourne's economy. Many professional legal services are serviced along that corridor — it is an important economic hub — and bringing train services to this part of Melbourne will support people who work in those industries. The busiest tram corridor in the world runs through this part of Melbourne as well.

Part of the design features of the Domain station mean it will be an integrated train and tram stop. This is also important to take some of the pressure off the busiest tram corridor in the world. That is why the station has been designed not by the Liberal Party and not by friends of the Liberal Party. It is being designed by experts and expert engineers who have carefully examined the best way to construct this new station. As I said, it is not just a train station; it is going to be an important train-tram interchange. We have taken the advice of expert engineers on how this station can be constructed — how through the construction we can minimise disruption as much as possible in that local area — but also how we can maximise the transport interchange for passengers.

There will be 40 000 passengers who go through this station every single day, and the alternative design that is being proposed by the Liberal Party — again, the Liberal Party were not too interested in this project when they were in government — would add 6 minutes of travelling time every day to every single one of those 40 000 passengers who go through that station. As an outcome for passengers this would be a far inferior outcome than the design that is being proposed. As I said, it is being put together by experts at the Melbourne Metro Rail Authority, it has been endorsed through the environment effects statement process, and that is why it is being built right now.

The member also spoke about the construction of a deeper tunnel through this different design. I have explained how that deeper tunnel provides a far inferior passenger outcome, which is not what we are wanting to achieve. Also, through the environment effects statement process we have been able to save a significant number of trees. Through the EES process around 120 trees have been saved. We do know that over the past couple of days the authority, as part of the early works package, has had to remove 13 trees in the St Kilda Road precinct. You could expect that a project of this size and scale is going to cause some above-ground disruption, but we have been determined to minimise this disruption as much as possible, and that is why we have been able to save 120 trees. We are not using Fawkner Park as a staging site. These are important design features of building the Domain station that the member does not appear to understand.

Further, the member also referred to the far inferior outcome that the former Liberal government were referring to around South Yarra station. Let us remember what the Liberals' proposal for South Yarra is about: it is about building a second train station, which would see significant public acquisition of properties and part of the Jam Factory and add significantly to the cost of the project, and in a net outcome in terms of the network it would not see the improvements that that investment should return. Indeed the business case examined these matters and demonstrated that it would return between 20 and 30 cents in every dollar. We know those opposite love a business case that does not stack up; this absolutely did not stack up.

The member also referred to cost blowouts, and this further shows that he just simply does not understand the Metro Tunnel project.

Mr Richardson interjected.

Ms ALLAN — Funny you should mention that, member for Mordialloc. He has not bothered to seek the advice of the experts at the Melbourne Metro Rail Authority, who are available to help guide people who want to know more about this project and learn more from the people who are the experts in this field.

He talks about cost blowouts. Let us talk about the cost of the Metro Tunnel. The Metro Tunnel is around an $11 billion project, a project that the Andrews Labor government announced in last year's budget that we are fully funding. Why are we having to fully fund it? We are fully funding it because the federal Liberal government, the friends of those opposite, are refusing to provide support for the number one rated infrastructure project in this state. It is not me that says that; it is Infrastructure Australia who rate this project as the number one infrastructure project.

I am happy to explain to the member about the costs. He mentioned the cost blowouts in this year's budget, and again it shows his failure to understand this project and understand our budget papers. In this year's budget we have brought the high-capacity signalling trial into the Metro Tunnel project. Indeed I explained this in some detail when I appeared before the Public Accounts and Estimates Committee hearing just a few weeks ago. I know those opposite walked out whenever the Greens were asking a question or the Labor members were asking a question, so they might not have heard me answer this in response to a Greens question. They were too busy cooking up conspiracy theories in the corridors.

What we have undertaken is that the funding for the high-capacity signalling trial has been brought into the Metro Tunnel project. This brings an additional $131 million into the project. We are doing this because it makes sense to run these two projects together. Again, you would have thought the member might have sought some further information before he referred to this.

Mr Hodgett — Why would we listen to rorting liars?

Ms ALLAN — Are you calling me that? Is that what you are saying I am? I ask the member to withdraw.

The SPEAKER — Order! I ask the member for Croydon to withdraw.

Mr Hodgett — I withdraw.

Honourable members interjecting.

Ms ALLAN — I will ask you to withdraw that as well.

The SPEAKER — Order! I ask the member for Croydon to withdraw.

Honourable members interjecting.

The SPEAKER — Order! The minister has asked for a withdrawal. She has taken personal offence to the comment.

Mr Hodgett — I withdraw the term 'a collective term'.

Ms ALLAN — The Metro Tunnel is an absolutely fantastic project. It is a fantastic project because it is going to add massively to the transport capacity of our city. It means there are going to be more trains more often. It means we can run more trains from the suburbs and from the regions into — —

An honourable member — Do it once, do it properly.

Ms ALLAN — The member opposite says, 'Do it once, do it properly'. They did not even do it, so once again those opposite are calling for us to do more in government than they ever did.

We know that nothing unites the Liberal Party, nothing gets it more excited, nothing really gets the juices flowing in the Liberal party room like opposing a public transport infrastructure project. It does not matter whether it is in here, out in the suburbs or out in the regions; they love campaigning against a public transport project. They love standing in front of the party faithful on the steps and, whether it is a level crossing project or the Metro Tunnel project, talking down our public transport infrastructure agenda. I think that shows that they just do not understand the critical importance of this vital piece of public transport infrastructure, a project that is going to create up to 5000 jobs.

We are pushing on with this project. We have settled on the design. It has been finalised through the EES process. Works are out there happening right now, and I would suggest the member needs to get better informed before he comes in here spraying around a whole bunch of incorrect, inaccurate pieces of information that clearly he has been set up to provide to the house.

The remaining members will have their matters referred to ministers for their action and response.

The SPEAKER — Order! The house now stands adjourned.

House adjourned 5.56 p.m. until Tuesday, 20 June.