

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 6 February 2018

(Extract from book 1)

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The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

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

Acting Speakers

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

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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

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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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	Naphthine, 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
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
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Kilkenny, Ms Sonya	Carrum	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Knight, Ms Sharon Patricia	Wendouree	ALP	Ward, Ms Vicki	Eltham	ALP
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McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Williams, Ms Gabrielle	Dandenong	ALP
McGuire, Mr Frank	Broadmeadows	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ ALP until 7 March 2017

⁵ Nats until 28 August 2017

⁶ Elected 14 March 2015

⁷ Died 23 August 2017

⁸ Elected 31 October 2015

⁹ Resigned 2 February 2015

¹⁰ Elected 18 November 2017

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 Noonan and Ms Thomson. (*Council*): Mr O’Sullivan, Mr Purcell and Ms Symes.

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

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

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

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

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

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

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

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

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

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

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Tuesday, 6 February 2018

The SPEAKER (Hon. Colin Brooks) took the chair at 12.04 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER (12:04) — Order! We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

CONDOLENCES

Hon. Stuart Richard McDonald, AM

The SPEAKER (12:04) — Members, I advise the house of the death of Stuart Richard McDonald, member of the Legislative Council for the Northern Province from 1967 to 1979. I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Thank you, members. I shall convey a message of sympathy from the house to the relatives of the late Stuart Richard McDonald.

Hon. Arthur Andrew McCutcheon

Mr ANDREWS (Premier) (12:06) — I desire to move:

That this house expresses its sincere sorrow at the death of the Honourable Arthur Andrew McCutcheon and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Assembly for the electoral district of St Kilda from 1982 to 1992, Minister for Water Resources and Minister for Property and Services from 1985 to 1987, Attorney-General from 1987 to 1990, Minister for Local Government from 1988 to 1989, Minister for Ethnic Affairs from 1989 to 1990, Minister for the Arts in 1990, Minister for Planning and Urban Growth from 1990 to 1991 and Minister for Planning and Housing from 1991 to 1992.

Nearly 36 years ago in this place Andrew McCutcheon rose to make his first speech as the newly elected member for the district of St Kilda. His words on that occasion, 27 April 1982, give us a really clear picture of the newly elected member — smart, articulate, passionate — but they also paint a picture of a man who in every way lived his values. In his very first words to this place Andrew spoke of the need to improve public housing. He was passionate about that issue and he knew about it firsthand from of course living in Collingwood's housing commission flats with his wife

Vivienne and their young family. He spoke of good planning, of balancing the new with the old. He knew about that too from his time campaigning to save the heritage of our inner-city working-class suburbs.

Andrew spoke of what he believed to be the true test, the ultimate test, of any government — compassion. A true believer in every sense, Andrew held himself to that very same standard, because although he took on many, many roles, as we have just heard in citing his service, there were many and varied roles in his life both as a politician and indeed beyond this place. He was an activist, an architect, a Methodist minister, a cabinet minister. Each role was underpinned by Andrew's fundamental commitment to fairness. He understood the power of speaking up, first, of course, on council and then in cabinet. He understood really deeply and profoundly that good planning meant more than simply approvals or amendments. It means access and equality and inclusion, and that the built environment and the way we provide for the future is very much a part of the opportunities we afford so many people across our community today and indeed into the future.

Fundamentally, Andrew McCutcheon understood that the true purpose of politics, the true purpose of the contests and this institution, is about delivering for people. Andrew's work made our state better, made our state fairer, more open, more imaginative. He made Victoria a better state. To Vivienne, to his children Louise, Kirsten, Simon and Nicola, and to everyone who loved this very special person, you have our deepest condolences at this time of sadness, but this is also a time of reflection on a life well lived, a rich life in its complexity, a rich life in its diversity, a rich life in the way in which you can change the lives of others. That is not sad; that is in fact uplifting and hopeful. I am sure that his loving family, his former colleagues and all of those who had the great privilege of knowing and working with Andrew would take some comfort, some significant comfort, from knowing that he was being so well remembered for all that he contributed to.

I had the great honour and privilege of speaking at the state memorial service for Andrew McCutcheon last week down at St Kilda town hall, a fitting venue for this amazing Victorian. I would finally like to share the poem that I read at that memorial service. In some ways it is in honour of those formative years that he spent with Vivienne working in housing estates in Glasgow South and then, in quite a remarkable communion of his considerable passions, helping to rebuild an ancient abbey off the coast of Scotland. These are, of course, the words of Robert Burns:

An honest man here lies at rest
 As e'er God with His image blest;
 The friend of man, the friend of truth,
 The friend of age, and guide of youth:
 Few hearts like his, with virtue warm'd,
 Few heads with knowledge so informed:
 If there's another world, he lives in bliss;
 If there is none, he made the best of this.

We are all as Victorians richer for the contribution that Andrew McCutcheon made, and we are all undoubtedly poorer for his passing.

Mr GUY (Leader of the Opposition) (12:12) — Andrew McCutcheon belongs to that limited, sometimes controversial, club known as 'planning ministers', and I am sure the member for Richmond knows what I am talking about. You are damned if you do and damned if you do not. No decision is a decision. But despite the complexities and controversies of that portfolio, Andrew McCutcheon was always held up as one of the visionaries — one of the gentlemen — of that portfolio.

In my time as planning minister I had the pleasure of meeting almost all former planning ministers — Maclellan, Hunt and Roper — but sadly I was unable to meet Andrew. However, many, many people in the sphere of government, in agencies and in the private sector were highly complimentary of his vision, his approach and his demeanour.

A Melbourne boy by birth, Andrew was ordained as a Methodist minister in 1957 and was the local Methodist minister in Collingwood from 1961 to 1969. He also trained and practised as an architect. He became an associate of the Royal Australian Institute of Architects — he was their vice-president in the mid-1970s — and he became an affiliate of the Royal Australian Planning Institute.

Forgive my focus on this aspect of his career, but Andrew had a long lead-in to his time as planning minister. He undertook a Churchill Fellowship in 1968 to study urban problems in North America, the United Kingdom, Europe and Asia. He was a consultant in urban and social planning from 1969 to 1976. He was a member of the Town and Country Planning Association from 1965 to 1972, and even became a commissioner for the Melbourne and Metropolitan Board of Works from 1975 to 1978 and a board member himself from 1978 to 1982. That was the era when the Board of Works was the key planning body around Melbourne. They planned roads, railways, and water and sewerage ways. They planned new suburbs and growth boundaries, and they mapped out the way Melbourne would grow, in a way akin to New York's famed Robert Moses. It was a very different era, but a

more direct one when it came to planning our city and indeed our state. Andrew stated that his background made him well suited to take on the role of Minister for Planning and Urban Growth from 1990 to 1992.

But his political career was longer than that and certainly more diverse. After being elected the member for St Kilda at the 1982 election Andrew McCutcheon became the water resources and property services minister from 1985 to 1987. He was the Attorney-General under John Cain from 1987 to 1990. He was a water minister, a local government minister, an ethnic affairs minister and an arts minister — certainly a fulsome political career. As the state's chief law officer he established local community-based legal services. He developed mechanisms for disputes to be resolved through conciliation at the neighbourhood level rather than by having to go to court. He introduced the Criminal Injuries Compensation Bill 1988, increasing the maximum award payable for pain and suffering from just \$7500 to \$20 000, and he encouraged the use of victim impact statements in our courts. As Victoria's water minister Andrew began the process of moving away from base rate to consumption rate for water pricing.

Retiring at the 1992 state election he chose a very different career — a career of contrasts to this place and one that many would say was certainly full of more reward. He became a vigneron, which is not a bad way to end your career after starting as a Methodist minister. It is fair to say that after much work in the 1990s at this career Andrew and his wife Vivienne made a really good go of it and had a successful career in growing grapes and producing wine. Andrew even found time to do what he did best — advocate, this time in chairing the Mornington Peninsula Vignerons Association. He also represented Australia as a member of the Great Wine Capitals Global Network.

It is easy for those outside of Parliament to forget that we are people in a political role, not politicians who are people. Andrew and Vivienne married in 1957 and had four children: Louise, Kirsten, Simon and Nicola. Andrew was a husband, father and grandfather to them, their partners and six grandchildren who will dearly miss him. I saw a notice in the paper about Andrew's passing. The last line of it echoed what many around this Parliament have told me about Andrew when I have asked about him, so I think I will conclude with it, reflecting the views of all of those who I have asked who knew him. They said, 'We shall miss this fine man'.

Mr WYNNE (Minister for Planning) (12:17) — I acknowledge the McCutcheon family, who are with us today. Andrew McCutcheon was a man of many parts.

Born into a family of Methodists and the son of an architect, he studied architecture and theology and applied himself to using those skills for the enduring benefit of his community. He became a Methodist minister and in government a minister, as we have heard, of many portfolios, including water resources, property and services, ethnic affairs, local government and the arts. As Attorney-General he was perhaps one of the few attorneys-general who did not actually have a legal qualification, which I think was an interesting challenge for Andrew. Of course, as the Leader of the Opposition has indicated, he was Minister for Planning and Housing.

He also had a very distinguished career in local government, where he served as a Collingwood councillor for 17 years and was the mayor in 1975. Of course he was a member of Parliament for St Kilda for a period of 10 years, only entering Parliament at age 50, so he was of quite mature years when he actually entered Parliament. He was a commissioner for the Melbourne and Metropolitan Board of Works and chair of the Lower Yarra Advisory Committee. Of course in his architecture practice he was vice-president of the Royal Australian Institute of Architects, national chair of Shelter and a board member of a swag of community groups both large and small. Throughout his life he was an avid sailor and in his later years an active winemaker and indeed a painter of great skill as well. His life was a rollcall of achievement — a life of compassion and social justice, a life of commitment to making a real difference in people's lives, a life of creativity and ideas.

For 56 years Andrew was an active member of the Australian Labor Party. He was part of that generation that really reacted to the conservatism of the 1950s and 1960s and worked for change. We had Whitlam, Cain, Hawke and Keating amongst many others — a succession of strong leaders committed to reform and who have built our economy and society into what it is today. After 27 years out of power, this generation has seen Labor hold government in Victoria for 25 of the last 36 years.

Andrew McCutcheon made a big contribution throughout that time, even if his quiet manner was sometimes overshadowed by louder voices around him, giving him perhaps a lower profile than he really deserved. Andrew grew up in a strong Methodist family, which taught him about justice, belief and commitment. His father, Sir Osborn McCutcheon, was a successful architect and a Methodist, so it was no surprise that his son studied architecture and theology at the University of Melbourne and worked as a young architect.

In 1957 at 26 years of age he married Vivienne, and they remained an inseparable couple for 60 years. Vivienne was of course a social worker and went on to lecture in social work at La Trobe University. His formative years were spent with Vivienne working in housing estates, as the Premier has said, in Glasgow South and, in a remarkable conjunction of his interests, helping to build the ancient Iona Abbey off the coast of Scotland.

He had a great depth of knowledge and really understood the issues of housing. He and Vivienne, as we know, lived their social justice commitment because they lived in the housing commission flats, as they were called, in Collingwood for eight years helping his fellow residents as a minister and of course really living his values of social justice. In 1969 he was awarded a Churchill Fellowship to study public housing, social policy and urban renewal in Europe and the USA, and when he returned he established a planning division in his father's highly regarded architectural firm Bates Smart McCutcheon. This new venture prospered and indeed flourished in the Whitlam era, winning projects commissioned by the great urbanist Tom Uren as Minister for Urban and Regional Development.

Like many others at the time, he renovated two historic terraces to demonstrate the future direction of urban renewal that the city needed to undertake. At the time the housing commission, as we remember, had sweeping plans to demolish many of Melbourne's inner suburbs to be replaced by freeways and high-rise public housing. With great friends like Brian and Renate Howe, Andrew and Vivienne helped the campaign to stop the slum reclamation program, which saved big parts of Carlton, Fitzroy and Collingwood which we celebrate today. As mayor Andrew supported many reforms to shake off the old style of Collingwood and bring in a new vibrancy that has kept growing to this day. Andrew played a central role in the community campaign to stop the extension of the Eastern Freeway to an eight-lane freeway through Collingwood, providing wise counsel on strategy, if not getting the result he actually hoped for.

His vision of course found a bigger canvas when he was elected to represent the western municipalities on the Melbourne and Metropolitan Board of Works, which enabled him to start his work on reshaping citywide planning. Like his close friend Evan Walker, his predecessor as Minister for Planning, Andrew had a great vision for our city and our state. He was part of the sweeping changes that brought back colour and life to the streets and imagination to architecture and put people at the centre of planning.

He surrounded himself with strong advisers, many of whom, like Marcus Spiller, Adam Kilgour and Penny Farrar, have gone on in their own ways to develop stellar careers. I was privileged to work for him during his time as Minister for Planning and learned a great deal about how to get things done: taking an idea, developing it, winning support and ultimately getting cabinet approval. These were, as I reflect back now, difficult times economically coming at the end of a long period in government, but many small steps were taken to cement the vision for change which was started by Evan Walker.

Andrew retired at the 1992 election and started a whole new venture in winemaking, working with his family and neighbours to turn the whimsically named Ten Minutes by Tractor into a highly regarded winery, uniquely operated as a cooperative. Another retirement focus for Andrew was his great love of painting. He built up a significant body of work that recently enjoyed a retrospective exhibition in Cheltenham. His passion for change was never dimmed, and he constantly campaigned and lobbied on issues, sending endless emails.

His diagnosis with motor neurone disease came as a great shock to all of us, and sadly the disease progressed rapidly. But even in his final days he devoted his energies to the world around him. Indigenous issues had been a theme throughout his life, but he became focused on the opportunity for change opened up by the Uluru statement, which calls for a treaty and a new relationship between black and white Australians. Unable to speak and never having previously written a song, he worked with music therapist Annelis Way in his last days in hospital to write a song on Indigenous rights. What an extraordinary thing! The song was called ‘Uluru, We Look to You’. This was very movingly sung by his family at the state memorial service last Tuesday at the St Kilda town hall.

Andrew McCutcheon was a big picture thinker and a quiet achiever. Because of him and his generation, the inner city of Melbourne was saved, the lot of public housing was greatly improved, Melbourne’s heritage was preserved and a new generation of creative architecture was inspired. If you want to see the legacy of Andrew McCutcheon, it is all around you. To you, Vivienne, and your family, I pay my deepest respect and sympathy at this very sad time.

Mr WALSH (Murray Plains) (12:26) — Thank you very much, Speaker, and I join the condolence motion on behalf of The Nationals. Andrew McCutcheon was born in Melbourne in September 1931. He attended

Wesley College and then had his tertiary education at Melbourne University, where he obtained a bachelor of architecture. As has already been said, he married Vivienne in 1957, and they have one son and three daughters. To say that Andrew had a truly interesting life would almost be an understatement. He was an architect, he was a minister of religion, he was a planning consultant, he was a community organiser, he was a vigneron and he was a politician.

Andrew was appointed to the Collingwood Methodist Mission in 1961, and he was a Methodist minister in that area from 1961 to 1969. Whilst there, he lived in a housing commission flat with his wife and young family. He was a member of the Town and Country Planning Association; he was a member of the Royal Australian Institute of Architects — he was actually vice-president of its council for a number of years; he was chairman of the Melbourne steering committee of the Great Wine Capitals Global Network; and he was a Collingwood councillor from 1965 to 1982, serving a term as mayor.

Andrew as a young person was a keen sailor. He joined his father in the Flying Fifteens on trips between Mornington and Portsea, and as I understand it he won a handful of Australian titles in that class.

After he became a Methodist minister and long before he entered Parliament, Andrew lived and worked with disadvantaged communities in Scotland. He helped restore an 11th century abbey on the tiny isle of Iona.

Andrew entered Parliament in April 1982 and served for 10 years, until that seat was abolished. He was Minister for Water Resources, Minister for Property and Services, and Attorney-General. His appointment as Attorney-General created some controversy at the time, particularly from the law fraternity who effectively said, ‘How dare someone be appointed Attorney-General who is not a lawyer?’. Andrew at the time said:

They called me the architect-general, but I think that I was able to bring an objectivity and lay perspective to the very complicated criminal justice system. I was concerned that the traditional adversarial court system created winners and losers and therefore engendered a lot of destructive feeling in the community.

Those comments might be worthy of being reflected on by some of the lawyers in the house today. Having a couple of bush lawyers as attorney-general might be a good thing at some time in the future. He was Minister for Local Government, Minister for Ethnic Affairs, Minister for the Arts, Minister for Planning and Urban Growth and Minister for Planning and Housing.

The thing that I found interesting in reading Andrew's history was his career after politics. After politics Andrew and Vivienne began thinking about the 15 acres of pasture they had owned for years at Main Ridge. They planted it out with vines in 1993, and Andrew made use of his skills and knowledge to assist the Mornington Peninsula Vignerons Association, the Victorian Wine Industry Association (VWIA) and the Peninsula's regional tourism body.

While he was serving on the VWIA, Melbourne was approached by Bordeaux to become part of the Great Wine Capitals of the world. Andrew facilitated Melbourne's involvement in the network to emphasise the development of trade, winery tourism and education. Even in the midst of all his external activities Andrew still managed to run a successful wine operation. A feasibility study he commissioned in 1996 showed that 15 acres did not constitute a viable wine business, so again calling upon his lateral thinking, he invited other small nearby operators to join him in a cooperative. The three families in the cooperative shared knowledge, machinery, promotion and the winemaking skills of Ric McIntyre and Alex White. Andrew said, 'We met one day to discuss a joint name. Someone described ourselves as being about 10 minutes by tractor apart, so that name seemed to be appropriate' — and remarkably it stuck. The business continues to be highly successful and a highlight of the region and has received many prestigious awards, including coveted hats in the highly competitive *The Age Good Food Guide*.

To say that Andrew had a life well lived would be an understatement. Vale, Andrew McCutcheon. My deepest sympathies to Vivienne and his family.

Mr FOLEY (Minister for Housing, Disability and Ageing) (12:31) — Andrew McCutcheon passed away aged 86. He brought to his life the broad vision of a Christian activist intent on ensuring that God's work is as much done in this world as it is in the next. When you hear the rollout of his activities, that work was perhaps much more focused on this world.

He was a visionary architect, an outstanding student, a Methodist minister, a theologian and a social activist particularly focusing on the poorest and most vulnerable of our society. He was a local government reformer, he was a filmmaker and he was a champion of public housing, making sure that the infant community housing movement was advocated for. He was also a champion of the homeless, he was an urban planner and he was many other things.

As we learned from his state memorial service, he was also a father, a partner and a grandfather. He was pretty much a Renaissance man of the 20th and 21st centuries, and he was many of these things before he was the member for St Kilda in 1982. We have heard that he held eight different portfolios over his time as a member of Parliament and part of the Cain government in that time. Then in 1992, when the seat of St Kilda was abolished, he retired and commenced an entirely new career, as we have heard, as a particularly successful vigneron on the Mornington Peninsula. There again his strong collaborative nature shone through with his establishment of the Mornington Peninsula Vignerons Association and, as the Leader of The Nationals has indicated, his linking of that region and indeed Australia with the Great Wine Capitals Global Network. All of this built on his successful collaborative venture of Ten Minutes by Tractor.

During his time as the member for St Kilda and beyond, Andrew's support for many community groups shone through. This was particularly the case when it came to Indigenous communities, both locally and more widely throughout Australia. In his time both as an MP and well and truly afterwards, this support grew. This led, in his time and with his support particularly in the local St Kilda community, to the formation of Port Phillip Citizens for Reconciliation, which he established with then federal member Clyde Holding, and that grassroots activist organisation continues going from strength to strength to this day.

Andrew's support for Indigenous leadership empowerment grew throughout his life. Many visits to the north of Australia and his own local community strengthened this support for reconciliation with our first peoples. Therefore it was a particularly Andrew McCutcheon arrangement, as the member for Richmond has indicated, that at the recent state memorial service the original signed and beautifully presented *Uluru Statement from the Heart* was presented to the full St Kilda town hall. Andrew McCutcheon's life reflects some of those notions and principles reflected in the *Uluru Statement from the Heart* — that constitutional and government change and structural reform can give a fuller expression to what Australia can achieve as a nation. We as a nation and as local communities have an obligation to pursue those changes for social justice that cry out for action.

It was only when a diagnosis of motor neurone disease was confirmed that Andrew began to slow down. His dignity in dealing with this brutal condition was reflected in one of the contributions at his state service. Shortly before his death, all but restricted to a wheelchair, with barely hand and finger movements left

to accompany his razor-sharp intellect, he took a call from former Premier John Cain. When asked how he was, Andrew responded with an optimistic, 'I couldn't be better'.

In a life so rich and varied, it is hard to land on particular achievements because there are so many, but for the sake of brevity I will focus on those that remain a legacy to my community, which shares much of the territory of the former seat of St Kilda. I knew Andrew as my local member in the time of the Cain government. His support for the most vulnerable in our community shone through in his activities there. It also shone through in some of his architectural work, as the member for Richmond has indicated. To this day, in Park Street, South Melbourne, his award-winning designs, which show what medium, low-rise density can achieve, continue to win awards and much praise from our community.

At that time in St Kilda there was tension and conflict as rooming house stock was beginning to be lost to developers and renovators. Some 35 years later some things have not changed that much. Andrew was not content to simply sit back and allow market forces to take away this housing stock, so to show the leading role that government and community can play, he worked in partnership with the then St Kilda City Council and many other community groups and was instrumental in the formation of the first St Kilda community housing organisation, an organisation that to this day is going from strength to strength in St Kilda and beyond.

The direct line from his theological background and thinking through to his lived, immersive form of Christian activism and his focus on what we would today call a housing-first approach — whereby a roof over one's head is important but not enough to combat disadvantage — continues to shape our thinking in this space. Along with this went a commitment to ensuring that better services were available, supported and provided to deliver better, more fulfilling lives. Throughout his public policy life in St Kilda, he displayed a preparedness to be bold rather than simply being an administrator.

Regarding this well-lived life, one of the death notices describes him as follows:

Architect, ordained minister, Labor parliamentarian, social activist, accomplished sailor and vigneron ... passionate Collingwood supporter —

how that got through in St Kilda we still do not quite understand —

beautiful artist, creative thinker and generous friend.

On behalf of not just the communities of the former district of St Kilda but indeed all Victorians, to Vivienne, to her family, to Andrew's legion of friends and supporters, to those whose lives are better for having shared theirs with him, our hearts go to you in your time of sadness and mourning. But our hearts leap when we see what an inspiration his life was to so many. To those who loved him and to those who miss him the most — his family — we say with certainty that his continuing legacy, particularly through the values he lived for, will endure. Vale, Andrew McCutcheon.

Mr CLARK (Box Hill) (12:39) — I am honoured to join in supporting the motion of condolence for Andrew McCutcheon and to pay tribute to his legacy. Previous speakers have described his extensive career and record of service. As the sole current member whose time in this house overlaps with Andrew's, I want to reflect in particular on Andrew as a person and the manner in which he contributed to this place. At the time, of course, I was a newly elected junior member of the opposition, and he was an established minister in a re-elected government. However, when I heard of his passing my immediate recollections were of a kind, gentle, decent soul, and of someone who sought diligently to do his duty and to contribute to making the community a better place.

In this house Andrew's contributions were always measured, considered and constructive. At times he could be somewhat flustered by interjections, but he did not allow himself to be distracted from the substantive issues before him, and he always sought to put his case on its merits despite the provocations he often suffered. He also sought to work to get agreed, sensible outcomes on his legislation, even to the point — on at least one occasion — of having one of his bills adjourned during the middle of the committee debate in order to take on board concerns that had been raised by the opposition and then bringing the bill back on for debate together with an amendment that addressed the opposition's concerns.

Some might regard that as a sign of weakness in a minister, but at the end of the day he got his bills through the Parliament, he contributed to the good of the community and he won credit for the government for doing so. Of course the dynamics of the Parliament are a bit different when the opposition of the day has a majority in its own right in the other place, but nonetheless Andrew McCutcheon's very sensible and constructive approach to his responsibilities is one that

I can certainly commend to current and indeed to future ministers.

In the period when our service overlapped between 1988 and 1992 Andrew held two principal portfolios, those of Attorney-General and of Minister for Planning. He had become Attorney-General in 1987 when the then Attorney-General, Jim Kennan, had been moved to the transport portfolio. He held the position of Attorney-General until 1990 when Jim Kennan became Attorney-General again and Andrew took on the planning and other portfolios. As many newspaper reports of the time record, Andrew was the first Attorney-General in around 30 years not to have held legal qualifications, and that did provoke some adverse comment at the time, not only from the opposition but from the bar council and, to a lesser extent, from the law institute.

I suspect that when lawyers argue that the Attorney-General should be a lawyer there are many non-lawyers who regard that as simply wanting to keep the law in a mates club that lesser mortals cannot join. Perhaps that sentiment was reflected in the remarks of the Leader of The Nationals earlier on in this motion. Now is not the time to debate that issue, save to say that in my view the law is very deeply embedded in much of the day-to-day work of an Attorney-General, let alone an Attorney-General's particular and not very well understood responsibilities as first law officer and the important role on the one hand of upholding the independence of the judiciary while on the other striving to ensure that the judiciary upholds and applies the law as laid down by Parliament on behalf of the community. So I do think it is difficult for a non-lawyer to hold the position of Attorney-General, and I think Andrew McCutcheon had to tackle those difficulties.

He took office as Attorney-General when there were considerable reservations about him taking that position, but nonetheless he applied himself to it with great diligence and conscientiousness. I think it is fair to say that he earned respect from almost everyone with whom he came into contact in that portfolio, whether inside or outside of the law. As best I can recall and ascertain from the record, he managed to avoid major controversy during his time as Attorney-General, which some may regard as quite an achievement in itself, yet at the same time he carried on many of the important aspects of the law that are necessary for an Attorney-General to advance and many of which still remain with us today.

In addition to the legislation that the Leader of the Opposition mentioned, he introduced a range of changes to sentencing law, he introduced legislation to

make clear that police officers could assist applicants in family violence intervention order applications and he brought in legislation to transfer responsibility for PERIN fine collections from the police to the sheriff's office. Fine collection reform remains an issue on which both I and the current Attorney-General have worked in more recent years and on which more work remains to be done. So he pushed forward on this range of significant issues as Attorney-General, and he was also the first Attorney-General to have to grapple with the issue of legislation that explicitly or implicitly affects the jurisdiction of the Supreme Court and thereby amends the constitution.

Some longer serving members of this house in particular will recall how notorious and controversial an issue that was for many years. Andrew had the misfortune of being the Attorney-General when that issue first broke, and he had to bring in the first legislation to grapple with it. When he moved on to become minister for planning and take on some related portfolios he was probably more in his element, given his background in housing and community development issues. Again he was highly regarded by everybody who had dealings with him in that portfolio, whether or not they agreed with him.

One controversial issue in the planning portfolio at that time was that of dual occupancy and single-dwelling covenants. Dual occupancy was an initiative of the then government to try to promote urban consolidation and greater urban density, but it was controversial, particularly when Andrew sought to bring into the house measures that would allow single-dwelling covenants to be removed as part of the planning process. That was fundamentally a clash of philosophies: do you believe single-dwelling covenants are private planning measures that get in the way of good planning on behalf of the community, or do you believe they are valuable property rights that should not be arbitrarily taken away? It was a very fierce debate. It was one which I was a particular protagonist in, given the number of single-dwelling covenants in my electorate, and there were a lot of heated and tense exchanges in this house. Ultimately a compromise of sorts was arrived at in a subsequent Parliament.

Throughout all of that heated debate and despite our passionate disagreement on policy, Andrew was always measured and sought to put his case on its merits. I have to say in other respects within the planning portfolio he advanced planning in a generally positive direction, including the introduction of Viccode 1, which was followed by Viccode 2, which laid the groundwork subsequently for the *Good Design Guide*.

Despite all of the differences of policy and philosophy that I and other members on this side of the house had with Andrew McCutcheon, I have always regarded him as a man of principle and of sincerity. He will be remembered with respect by all who knew him. The Parliament is certainly a better place for him having been a member, and his conduct as a member and as a minister sets an example for us all. May he rest in peace.

Mr PEARSON (Essendon) (12:47) — I rise to remember the life of Andrew McCutcheon. Like others in this place I was fortunate to attend his funeral. His time as a member of this place was a small part of a very rich and rewarding life. His time in this place was notable not just for the portfolios he held, but also because he managed to serve every single day in this place on the Treasury benches, which is an enviable record. It is a particularly notable achievement for a Labor member of this place when you consider that before his arrival the Victorian branch of the Australian Labor Party had lost the previous nine state elections.

I did not know Andrew well, but I did have some dealings with him in his capacity as the deputy chair of the social enterprise SisterWorks. I sought a meeting with Andrew and SisterWorks because I was really interested in the work this organisation does because of its ability to economically empower some of the most vulnerable and disadvantaged women in our community. SisterWorks works with women from migrant, asylum seeker or refugee backgrounds to become financially independent by encouraging them to make handmade food or craft products, which were often from their original culture, and then working with these women to give them the support that they need to sell those products.

I was incredibly impressed that nearly a quarter of a century after leaving this place, Andrew was continuing to contribute at a very local level, but one which had the ability to make a profound difference to those impacted and to significantly help and assist their communities. For me, rising in this place today to place on the record my thanks for his contribution is not just in recognition of the time he served here, but for the time he served in his community and the way that he made our society a better place. My heartfelt condolences go to his wife, Vivienne, and their children. Vale, Andrew McCutcheon.

Mr NARDELLA (Melton) (12:49) — I pay my respects to Andrew McCutcheon, to Vivienne and to the family as well. I knew Andrew as the Minister for Water Resources when I was the secretary of the Agriculture and Rural Affairs Policy Committee. I remember the discussions and the debates around water

back then, especially around the temporary transferability of water rights. The debates were quite varied, sometimes quite heated, especially within the farming community in terms of how it was going to affect them and their businesses. One of the things that Andrew did do was consult with the farmers, with the party and with industry, which then led to the Water Act 1989, which is still current today.

Andrew was very personable. He listened, and he listened especially to the varied interests of people. If you remember the rural policy committee back then, you had Neil Young, you had Carole Marple and you had Joe Helper, who were quite vocal, and he would have that discussion and debate with them on the rural policy committee. I think what did eventually come through was extremely good and it has stood the test of time, and that is what he wanted out of that process.

He was a true gentleman. Vale, Andrew McCutcheon.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ADJOURNMENT

Mr ANDREWS (Premier) (12:51) — I move:

That, as a further mark of respect to the memory of the late Honourable Arthur Andrew McCutcheon, the house now adjourns until 2.00 p.m. today.

Motion agreed to.

House adjourned 12.52 p.m.

The SPEAKER took the chair at 2.02 p.m.

ASSISTANT CLERK COMMITTEES

The SPEAKER (14:02) — Order! Under section 18 of the Parliamentary Administration Act 2005, the Acting Clerk of the Legislative Assembly has appointed Mr Paul Groenewegen to be Assistant Clerk Committees following the appointment of Mr Robert McDonald as Deputy Clerk.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) (14:03) — Can I advise the house that the Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Local Government will be absent from question time this week and that the Attorney-General will answer in her place.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS**

Anzac Day

Mr GUY (Leader of the Opposition) (14:03) — My question is to the Premier. The year 2018 marks the centenary of the Armistice that ended World War I after Australia suffered over 200 000 casualties on foreign soil in that awful conflict. Premier, why are you showing such disrespect to all of those who lost their lives defending Australia and its values by undertaking polling that questions the very nature of Anzac Day and supports the undermining of our most sacred national day?

Mr ANDREWS (Premier) (14:04) — I thank the Leader of the Opposition for his question. One of the great honours and privileges of this job, and indeed the Leader of the Opposition's job, is to attend the Anzac Day dawn service at the shrine —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Planning! The member for Ripon!

Mr ANDREWS — It is a moving and solemn occasion. It is an occasion when all of us, from many different backgrounds, of many different ages and possibly with many different points of view as well, come together in what is an act of national unity to commemorate —

Honourable members interjecting.

The SPEAKER — Order! The member for Hastings and the Leader of the House! I warn members I will not tolerate this level of shouting across the chamber.

Mr ANDREWS — We come together at that service and at services right across the state —

Honourable members interjecting.

The SPEAKER — The member for Hastings is warned.

Mr ANDREWS — in an act of unity to pay a solemn tribute to all of those who have made the supreme sacrifice —

Honourable members interjecting.

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

Mr ANDREWS — that allows those opposite to shout people down —

Honourable members interjecting.

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

Mr ANDREWS — We are being lectured about respect by those opposite.

Honourable members interjecting.

Mr ANDREWS — It is my view, and the view and policy of the government, that there is no need to change any aspect of Anzac Day. There will be no changes to any aspect of Anzac Day. What is more, anyone attending Anzac Day services and any services around that sacred time would know that crowds are up. More people from every walk of life, every corner of the state, every background and every perspective are coming out to show their support for and their gratitude to those who have made the supreme sacrifice and, what is more, to show their gratitude for those men and women of the Australian Defence Force who, this very hour, serve in the defence of our freedom and liberty. I think that answers the Leader of the Opposition's question.

Honourable members interjecting.

The SPEAKER — Order! I repeat the warning to members on both sides of the house to cease shouting across the chamber.

Supplementary question

Mr GUY (Leader of the Opposition) (14:07) — Premier, who authorised this deeply offensive polling conducted from your own department, how much taxpayers money was spent conducting it and will you now apologise for the offence this fiasco has caused to so many service men and women and their families?

Honourable members interjecting.

The SPEAKER — The member for South-West Coast is warned.

Mr ANDREWS (Premier) (14:07) — Thank you very much, Speaker. There will be no changes made to Anzac Day. There is no need to make any changes to Anzac Day, despite the shouting and screaming of those opposite.

Honourable members interjecting.

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

Mr T. Smith interjected.

The SPEAKER (14:07) — 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 — The member for Malvern is warned.

Mr ANDREWS — A little leadership speech from the member for Malvern!

As I said, Anzac Day is a sacred day. It is one where we as a community —

Honourable members interjecting.

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

Honourable members interjecting.

The SPEAKER — Order! The member for Yan Yean is warned.

Mr R. Smith — On a point of order, Speaker, the question was very clear: who authorised the polling? The Premier should answer the question as it was asked. Who authorised this polling that came out of the Premier's own department? He needs to answer that for Victorians and for service men and women. He needs to answer the question of who authorised that polling.

The SPEAKER — Order! I do ask the Premier to come back to answering the questions asked.

Mr ANDREWS — Let us have a respectful discussion, shall we? The first I learned of the survey — this piece of work — was when I read about it on Sunday. It is not the government's position nor will it ever be.

Honourable members interjecting.

The SPEAKER — I warn members of this place that I will remove members from the chamber without warning if that level of shouting continues.

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 9 regarding the content of answers. I submit to you that the Premier's answer has been non-responsive to all the elements of this

question in terms of who authorised the poll and how much money was spent conducting it. I therefore ask you to ask the Premier to provide a written response.

The SPEAKER — Order! I will take that point of order on notice. There were, I think, three parts to the question. I will consider that matter and report back to the house.

Ministers statements: Melbourne Metro rail project

Mr ANDREWS (Premier) (14:10) — I rise to update the house on the biggest public transport project not only in Victoria but indeed across our country. It is the biggest project since the city loop. The Metro Tunnel, of course, is the project that today marked a significant milestone with the completion of construction of the acoustic shed that allows 24/7 work to build that new Metro Tunnel project, taking our busiest line out of the current city loop, providing the turn-up-and-go services that every great city in the world is entitled to. It is a project talked about by those who are best at talking about things, but it is a project being delivered by this government.

I am very pleased to update the house on that acoustic shed, allowing that 24/7 work — 20 metres high, 70 metres long and 20 metres across — and allowing the local community to be protected from dust and noise and light. For that 24/7 work to continue, that will begin very, very soon. That around-the-clock construction is necessary of course because for four long years we had around-the-clock indolence from a government that delivered nothing at all.

Apart from more trains more often, 9 kilometres of track and five new stations, this is also good for 7000 jobs — 7000 jobs on this project alone. The Minister for Public Transport and I met with three young engineering cadets starting out. They will look back on this project in decades to come and be able to proudly say that they got their professional start working on the biggest project this state has ever seen — not talking about it, delivering it. More trains more often is what our city and state need — and 7000 jobs to boot.

War commemorative events study

Mr GUY (Leader of the Opposition) (14:12) — My question is to the Premier. Premier, your own department's research brief states that it sought to find the social value of events such as Anzac Day and also Remembrance Day to Victorians. Premier, with what aim did your government conduct polling seeking to question the social value of Remembrance Day? Is

millions of Australians pausing on the 11th hour of the 11th day of the 11th month not considered significant enough for you and your government?

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House will come to order. The member for Hastings has already been warned.

Mr ANDREWS (Premier) (14:12) — As I said in my previous answer, the government will make no changes to Anzac Day whatsoever.

Honourable members interjecting.

The SPEAKER — The member for Warrandyte!

Mr ANDREWS — It is my view — always has been, always will be — that it is a sacred occasion where people from across our state are turning out in record numbers to say thank you to those who gave everything and to spare a thought for those who serve in the defence of the freedoms, the liberties, the values that we all share. It is an occasion that I would have thought was beyond politics, but clearly it is not.

Honourable members interjecting.

The SPEAKER — The member for Ripon has been warned already.

Supplementary question

Mr GUY (Leader of the Opposition) (14:13) — Premier, the *Social Value of War Commemorative Events* study by your department contains a number of recommendations, one stating that your government explores a gentle evolution towards the social inclusion of more diverse stories as part of commemorative events. Premier, if you want no changes, why did you authorise your department to spend tens of thousands of dollars on a 63-page report questioning whether Anzac Day and Remembrance Day should be changed?

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Eltham and the Minister for Veterans.

Mr ANDREWS (Premier) (14:14) — As I have indicated, there will be no changes to these sacred and solemn occasions, and I reject the significant leaps that the Leader of the Opposition has taken. No changes will be made. He might be upset about that, but no changes will be made.

Mr Guy — On a point of order, Speaker, on relevance, I asked the Premier very clearly why he and his department authorised this. Why did the government conduct polling? I have asked him very clearly. He has not answered in his last three responses why they conducted this polling. That is the specific question that I asked the Premier, and I respectfully ask you to bring him back to answering that specific point.

Honourable members interjecting.

The SPEAKER — Order! The member for Hastings has already been warned. My patience with members is running very thin.

Ms Allan — On the point of order, Speaker, I ask that you rule the Leader of the Opposition's point of order out of order. It is almost beyond most of us to know how he could have even heard the content of the Premier's answer, given the shouting and screaming that was going on from their side of the chamber. The Premier was being entirely relevant to the question, and unlike the Leader of the Opposition, who spent Australia Day on his phone, the Premier has been entirely relevant to —

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte will come to order. The house will come to order. I do not uphold the point of order. The Premier is being relevant to the question asked. I cannot direct the Premier how to answer the question.

Mr ANDREWS — As I was saying, there will be no changes to those solemn occasions that commemorate the service of so many and honour the service of those who are in the Australian Defence Force right now.

Mr Guy — On a point of order, Speaker, on relevance again, my question asked: 'Why did you authorise your department?'. The Premier has responded in his answer three times, 'There will be no changes'. That is not an answer to 'Why did you authorise your department?'. Again I respectfully put to you that the Premier is not answering the question that was put to him, and I ask you to bring him back to that question.

The SPEAKER — Order! Members will be aware that it is not my role to enforce that ministers or the Premier answer particular questions, only that they adhere to the standing orders and the procedures of this place.

Mr ANDREWS — I was attempting to answer the question. As I was indicating, there will be no change to these sacred and solemn occasions. No authorisation or approval was provided by me — none whatsoever. I think that deals with your question.

Ministers statements: education funding

Mr MERLINO (Minister for Education) (14:17) — I rise to update the house about the Andrews Labor government's investment in our schools. Just last week we announced our new anti-bullying and mental health initiative. That includes a \$4.8 million investment in new mental health support and a dedicated suicide prevention program.

Honourable members interjecting.

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

Mr MERLINO — That is the equivalent of 40 000 hours of additional mental health support in our schools. This is all part of this government's investment to make Victoria the Education State.

When making decisions about funding schools and respecting teachers, governments are guided by their values — some might say, Australian values. It is not an Australian value to slash \$1 billion from our schools. It is not an Australian value to terminate the education maintenance allowance and Fresh Fruit Friday. It is not an Australian value to go to war with our teachers.

We inherited an education system starved of funds and attacked by ideological zealots. When it comes to those opposite, nothing has changed. We have made inroads towards breaking the link between poor outcomes and disadvantage. Those are our values. We are making sure respect is discussed and practised in our schools. Those are our values. Part of this is to ensure students are focused and are not distracted by their phones because we know that apart from helping them learn, putting their phones away is a sign of respect. But not everyone leads by example.

Honourable members interjecting.

The SPEAKER (14:19) — The member for Warrandyte will leave the chamber for 1 hour.

Honourable member for Warrandyte withdrew from chamber.

Mr MERLINO — Not everyone leads by example. There are some who, even on our national day, are distracted by their devices. Just what was the Leader of

the Opposition looking up during the Australia Day ceremony? The federal education minister has said phones should be banned. Maybe the Leader of the Opposition should take his advice.

Australia Day

Mr GUY (Leader of the Opposition) (14:20) — My question is to the Premier. Premier, you have done nothing to stop councillors, including Labor and Greens councillors on the Darebin, Yarra and Moreland councils, from disrespecting Australia Day and refusing to hold citizenship ceremonies on 26 January. Premier, why are you refusing to legislate —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier is warned.

Mr GUY — Why are you refusing to legislate to ensure local councils recognise Australia Day on 26 January? Is it because, like the member for Buninyong, you do not support the date either?

Mr ANDREWS (Premier) (14:21) — The answer to the question is no. I have been very clear about the fact that Australia Day, 26 January, should both be —

Mr Battin — Have you polled this?

Mr ANDREWS — We will come to those opposite in just a moment in terms of respect for our national day. It should be, and I believe it is in Victoria, an acknowledgement of the past, a hopeful celebration of our values today and a view to the future of egalitarianism, inclusion, fairness, decency, decent health and education systems, and the opportunity to achieve all your dreams. In Australia and in Victoria that is what Australia Day is all about.

I was very proud to be at the Melbourne town hall this year, as I am every year, to hear Aunty Joy give a poignant and a very powerful welcome to country, making that point: acknowledging the past but also calling on us to cherish and value the things that define us and the things that make all of us hopeful about the future. We then had a community parade, we had some speeches, we had a great celebration of everything it is to be Australian. I would think that it was enthralling — it had my full attention as I was given the great honour of reading out the affirmation of Australian citizenship on behalf of all those assembled. I read that oath even on behalf of those who were on their phones at the time, Mr Respect.

Honourable members interjecting.

The SPEAKER — Order! Members on both sides will come to order.

Mr Guy — On a point of order, Speaker, in relation to the question and very clearly in relation to relevance, I asked the Premier: why is he refusing to legislate to ensure councils recognise Australia Day on 26 January? The question was: Premier, why are you refusing to legislate to ensure local councils respect Australia Day on 26 January? That is what I asked. I ask you to bring him back to answering this question.

Mr ANDREWS — On the point of order, Speaker, the Leader of the Opposition has read part of his question. I am assuming he wrote it, but he read part of the question. He has forgotten the second half, where he asked me a direct question and put it to me: ‘Is it not a fact?’. Well, I have answered the question. The answer to the question was ‘no’. I am now speaking about —

Mr Guy — Sit down!

Mr ANDREWS — Mr Respect over here! You would be better to get back on your phone, mate.

Honourable members interjecting.

The SPEAKER — Order! I do not uphold the point of order.

Mr ANDREWS — I was talking about our national day. I was asked about our national day, 26 January. I think the vast majority of people that were at that town hall and town halls across Victoria — all sorts of occasions, all sorts of community celebrations — were far more focused —

Honourable members interjecting.

The SPEAKER (14:24) — The member for Ripon will leave the chamber for 1 hour.

Honourable member for Ripon withdrew from chamber.

Mr ANDREWS — I think it is fair to say that everybody down there at town hall and at other gatherings across the state were far more focused on celebrating our national day than the Leader of the Opposition, who was on his phone. Thanks for the lecture on respect from someone who spent most of the parade on his phone and whose colleague in the other place —

Mr Watt — On a point of order, Speaker, the Premier’s answer needs to actually be factual, because the member for Oakleigh was at Monash telling people that we should question the day.

The SPEAKER — There is no point of order.

Mr ANDREWS — There were others who were on their phones as well, being very critical that some were not waving their flags enough, apparently, only to then be rather embarrassed to learn that the Leader of the Opposition — their leader — was not waving a flag; he was on his phone. So thank you for the lecture on respect. Keep them coming.

Supplementary question

Mr GUY (Leader of the Opposition) (14:26) — Funding polling to question and redefine the meaning of Anzac Day and Remembrance Day, and failing to stand up for Australia Day on 26 January: Premier, aren’t your policies in relation to Australia Day, Remembrance Day and Anzac Day — questioning those days’ relevance — fundamentally out of step with the vast majority of Victorians?

Honourable members interjecting.

The SPEAKER — The member for Footscray is warned.

Mr ANDREWS (Premier) (14:26) — I am certain that the Leader of the Opposition did not listen to my earlier answer. Perhaps he was on his phone again. I reject each and every one of the ridiculous assertions that the Leader of the Opposition has made, and I would refer him to the earlier answers I have provided.

Mr GUY — By leave, I seek to table the Department of Premier and Cabinet’s *Social Value of War Commemorative Events* study. I ask if this can be tabled forthwith.

The SPEAKER — As all members know, there is no ability to table documents in that manner, but you may make it available to the house by handing it to the clerks.

Ministers statements: employment

Mr CARROLL (Minister for Industry and Employment) (14:27) — I rise to update the house on the number of young Victorians getting important work on the Andrews government’s record infrastructure boom. Over summer we reached a very important milestone: 3500 apprentices, engineering cadets and trainees getting work on our 80 strategic projects — our more than \$50 billion of infrastructure spending — a very important milestone. That is 3500 cadets and trainees getting great work experience on the job, getting their ticket and their pathway to the future. They were not the only apprentices doing a bit of work over

summer. The favoured apprentice on that side, the member for Kew, was also getting a good go — he has been kicked out of school on the first day back.

Whether it is rebuilding our Education State, whether it is our world-class transport system, whether it is transforming our health care system or indeed transforming our cultural institutions like the State Library of Victoria, we are going to ensure that every young Victorian has an opportunity to shine and shape our future. Just last week I met student architect Sarah, electrical apprentice Josh and engineering cadet Aiden — young people having a real go. Not one of them was on their phone playing *Candy Crush* or *Angry Birds*; they were focused on the job of getting skills and making sure they change and get a real opportunity.

There is only one Victorian they support: the member for Kew. We support 3500 apprenticeships on a record infrastructure boom. We are the jobs powerhouse. We are making sure that young people share in every success of the Andrews Labor government's record infrastructure boom and that we deliver, deliver, deliver.

Privatisation policy

Ms SANDELL (Melbourne) (14:29) — My question is to the Premier. Last Tuesday on his Facebook page the Premier posted that electricity and essential services should never have been privatised. If the Premier admits that privatisation has been a failed experiment, will this Labor government support the return of the electricity grid to public ownership, starting with the interconnectors?

Mr ANDREWS (Premier) (14:30) — I thank the member for Melbourne for her question. I would simply put it to the member for Melbourne that to go back in time is sadly not a facility that is open to people who are in the real world. I know others may have a different view, but the definition of space and time that all of us are operating under means that you cannot go back.

Honourable members interjecting.

Mr ANDREWS — Well, apparently you can! Apparently you can go back.

Honourable members interjecting.

The SPEAKER — Order! Members on both sides will come to order.

Mr ANDREWS — The first point is that it would seem that the opposition believe you can go back in time. That is the first point. The second interesting point, though, would be: given the pronouncements of

the Leader of the Opposition that he thinks that privatisation has been just fine for customers, why would they want to go back? So you can go back, but we do not need to, apparently; it is a very confused position put by those opposite. The member for Melbourne has essentially put it to us that we should remove ourselves from the national grid, we should at the same time nationalise all of our electricity assets, including interconnectors, and we should essentially suspend reality and take, I suppose —

Honourable members interjecting.

The SPEAKER — Member for Caulfield!

Mr ANDREWS — every dollar that might be available for hospitals, for schools, for public transport, for roads and for just about everything and spend it renationalising an asset that ought not to have been privatised. I have got news for the member for Melbourne: sadly, they were privatised, and I think consumers are worse off because of it.

Honourable members interjecting.

The SPEAKER — Order! The members for Brighton and Essendon are warned.

Supplementary question

Ms SANDELL (Melbourne) (14:32) — The Premier says you cannot go back, but you can avoid repeating the same mistakes that have been made in the past. If the Premier admits that privatising public assets like electricity has led to bad outcomes and higher costs for Victorians, why is this government still pushing forward with privatising even more of our public assets, and will he now reverse some of these decisions, such as the recent decision to give public space at Federation Square to one of the world's biggest multinational companies?

Mr ANDREWS (Premier) (14:33) — I was certain that the member for Melbourne was going in a different direction, but seeing as she has landed at Federation Square, I think it is a little bit of a stretch to compare essential services like electricity, for instance, to public space.

Mr Battin interjected.

Mr ANDREWS — Yes, member for Gembrook. It is curious to compare it with public space at Federation Square, where there are already restaurants and bars. It is a pretty commercial space now. Anyway, I think it is a spurious comparison between electricity and a portion of Federation Square with a footprint smaller than the

existing building, a proposal supported by the original architects and the state architect.

Ministers statements: Murray Basin rail project

Ms ALLAN (Minister for Public Transport) (14:34) — I am pleased to update the house on a significant milestone for the transformative Murray Basin rail freight project, another regional rail project delivered by another Labor government. Last week, for the first time in nearly 20 years, trains returned to the Ararat to Maryborough line. That is a significant step forward in the project, with us backing in our primary producers and of course creating jobs, particularly in this part of regional Victoria. I am very proud to be part of yet another Labor government that is once again investing in our regional rail network. Members may recall that it was a former government, the former Kennett Liberal-National government, which ran down our rail freight network and brought the network to its knees. It took a Labor government to build it back up again through investment and rebuilding.

Honourable members interjecting.

Ms ALLAN — There appears to be some doubt in the chamber. I would be happy for those opposite to pull out their phones and check it out on Google if they doubt that history.

It is Labor governments that invest in regional rail and build it up, in stark contrast to those opposite, who cut funding to rail and close country rail lines. They do not like it. Consider our investment today: 87 more VLocity trains; \$1.6 billion for our regional rail revival package; and restored funding to V/Line to fix the mess that those opposite caused. We have been able to deliver as a result of this investment over 600 more services to the V/Line network. For those who spend a bit of time on their phone, I would encourage them to download the V/Line app. Maybe that is what the Leader of the Opposition was doing on Australia Day — doing a bit of trip planning on his phone and working out how he can make the most of our investment in regional rail as we build a stronger regional rail network for regional Victoria.

Australia Day

Mr CLARK (Box Hill) (14:36) — My question is to the Minister for Industrial Relations. Given the minister's comments on radio 3AW when the minister failed to support 26 January as Australia Day and with Trades Hall Council supporting and organising an Invasion Day rally where activists called for Australia

to burn to the ground, can the minister guarantee that no moneys given to Trades Hall by the government were used to support this Invasion Day rally?

Ms HUTCHINS (Minister for Industrial Relations) (14:37) — I thank the member for his question. I might just start off in my capacity as Aboriginal affairs minister by acknowledging the views of Victorian Aboriginal people and say that there is no surprise that there were 40 000 people out on the street, just outside here, on 26 January. That is a growing phenomenon every year. People come out, wanting to have a conversation around the future of Australia Day, and they talk about many people in this community suffering pain from the day that is Australia Day.

Of course there are many, many Victorians who want to celebrate Australia Day, and this government absolutely supports that and has been on the record as saying that. But I say as Aboriginal affairs minister that we actually listen to what Aboriginal Victorians have to say, unlike the federal government, which has rejected outright the Uluru statement, which has rejected any sort of voice of Aboriginal people to the federal Parliament and which has rejected any constitutional change to actually recognise Aboriginals in our federal constitution.

Mr Clark — On a point of order, Speaker, the minister is now proceeding to debate the issue. My question was specifically about moneys given to Trades Hall being used to fund Invasion Day rallies, and I ask you to bring the minister back to answering that question.

The SPEAKER — Order! I do ask the minister to come back to answering the question.

Ms HUTCHINS — Obviously those opposite are interested in culture wars rather than getting on and listening to Aboriginal Victorians and putting their voice at the heart and the centre of our future debates and where we go. I do not know why the Leader of the Opposition does not actually call his mates in Canberra and put on the record why they should be listening to Aboriginal Victorians in this state.

But to come back to the question about whether this government has provided funding for this particular rally on Australia Day, the answer is no. We do not fund any rallies in this sort of vein. I am here as the Minister for Industrial Relations and Minister for Aboriginal Affairs, and I do not speak on behalf of the Victorian Trades Hall Council. Maybe that question about how they support that day is best asked of them.

Supplementary question

Mr CLARK (Box Hill) (14:39) — Given the minister's answer, will the minister guarantee that the government will not fund and will immediately cease any existing funding to organisations, including Trades Hall, where they incite hatred about Australia, Australians and national institutions that have built our peaceful and tolerant democracy?

Honourable members interjecting.

The SPEAKER — Order! The members for Eltham, Bellarine and Ferntree Gully!

Ms HUTCHINS (Minister for Industrial Relations) (14:40) — This government is committed to reconciliation and to the self-determination of Aboriginal people. Unlike those others, we have actually made sure there is a seat at the table for Aboriginal Victorians going forward, and I am very proud of the work that we have done in the treaty space. When it comes to our commitment around Aboriginal affairs and the value that we have for our past and our future, I do not think this side of Parliament can be questioned about our determination.

Ministers statements: road infrastructure projects

Mr DONNELLAN (Minister for Roads and Road Safety) (14:41) — I wish to take the opportunity to update the house on some of the work we have done during the break. We know we have had various shutdowns across the state and we very much thank the community for working with us. We know we had to shut down Hoddle Street for a week. We know that during that period of a week we were able to undertake three months worth of work. There were 300 people on site working and they removed 4000 square metres of asphalt.

We also undertook night closures on the CityLink-Tullamarine widening project. That tripled our capacity to pour asphalt per hour, so during that period of time we were able to pour 4000 tonnes of asphalt, which were placed each night on the road. In other words, there was enormous disruption across our transport network and we very much thank the community for accepting this, but we are very much getting on with the job and getting those projects done that the community expects from us. It is a bit like the Monash closures near me. We know during that closure period we had 31 000 hours of works on the Monash over that Christmas break.

Mr Watt — On a point of order, Speaker, I was going to let the minister rant on, but not when he says things which clearly are not true. He is required to tell the truth in this place. The Monash is nowhere near North Fitzroy, where he lives.

The SPEAKER — Order! That is not a point of order. The member for Burwood will resume his seat.

Mr DONNELLAN — He is a bit like Johnny Cash without a brain, sadly — always dressed in black but with not much interesting to say.

During recent days we were able to start construction on the West Gate tunnel project. We know how much that is welcomed by the community. The two shafts are going to be built by the tunnel boring machines. I do note that over that period of time there was a bit of blocking going on by the Liberal-Green coalition, which is going to block the planning scheme amendment. It is a bit like the Demtel steak knives ad — there is so much more blocking to be done. We know that the opposition leader will block anything — any project.

The SPEAKER — The time for questions without notice and ministers statements has expired.

Mr Watt — On a point of order, Speaker, with regard to question on notice 13 249, this is a question that I asked about Australia Day. Australia Day has already been and gone, but the minister still does not have the capacity to answer my question. The answer was actually due on 16 November 2017. Although Australia Day has been and gone, I would still ask for you to ask the minister to answer my question.

The SPEAKER — I will follow that answer up.

Mr Watt — On a further point of order, Speaker, I have a question on a constituency question, 13 593. That particular constituency question was to the Minister for Planning about a housing development in my electorate and what he intended to do now that it had been rejected. The minister has already put in a new planning scheme amendment but has not actually answered my question. Once again, the minister was required to answer the question on 15 December. He has not answered the question. I do note that he has actually taken some action, but I still think that you should ask the minister to answer my actual question.

The SPEAKER — Thank you. I will follow that matter up. I ask the member for Burwood, if he has a number of items, to raise them as one point of order, please.

Mr Watt — I will go through all the rest in one block. I have questions 13 637, 13 640, 13 662, 13 663, 13 665, 13 664, 13 669, 13 666, 13 667, 13 668, 13 670, 13 671, 13 677, 13 674, 13 675, 13 673, 13 676, 13 672, 13 678, 13 679, 13 680, 13681, 13 682, 13 683, 13 684, 13 685, 13 686, 13 687, 13688, 13 689, 13 690, 13 812, 13 834, and — you will be delighted to know — the last one is 13 835. All of these are overdue. All of these are relevant questions for my electorate that I think the ministers should answer because they are required to do that under the standing orders. I would ask you to ask a bunch of ministers — I could go through all the ministers, if you would like.

The SPEAKER — I thank the member for Burwood for that point of order, and I thank him for raising them as one point of order. Can I ask the member for Burwood before he leaves the chamber to provide the clerks with those question numbers, just in case they were not able to —

Mr Watt — All the question numbers are quite easily found on the database as unanswered. Every single question I have asked is beyond the time by which they are required to be answered.

The SPEAKER — I thank the member for Burwood.

Ms Victoria — On a point of order, Speaker, can I also bring to your attention that I have an unanswered question from the Minister for Police, question 13 634.

The SPEAKER — I will follow that matter up as well.

CONSTITUENCY QUESTIONS

Sandringham electorate

Mr THOMPSON (Sandringham) (14:47) — (13 394) My constituency question is directed to the Minister for Roads and Road Safety. Does the minister support the narrowing of Beach Road between Mentone and Mordialloc under plans by the City of Kingston as a measure which will improve the safety of the estimated 10 000 to 15 000 road cyclists who use Beach Road on weekends and as consistent with VicRoads policy for safer roads?

Broadmeadows electorate

Mr McGUIRE (Broadmeadows) (14:47) — (13 395) My constituency question is to the Minister for Innovation and the Digital Economy. Is the minister's department collaborating with the Department of Education and Training Victoria and other relevant

state, federal and commercial partners to create an innovation hub to re-establish a form of Silicon Valley in Broadmeadows? This result can be achieved through partnerships I have previously established and initiatives identified in the strategy *Creating Opportunity: Postcodes of Hope*, which invests in attitude, education and opportunity, the attributes that largely determine where we all end up in life. Vocational education in secondary schools and the broader community can be developed in collaboration with the state-of-the-art St Joseph the Worker Trade Skills Centre at Penola Catholic College in Broadmeadows; a tech school can be established as part of Kangan Institute; and sponsorship partners can be pursued with local companies CSL and Kingspan, and with companies I have previously secured through the global learning village model: Microsoft, Intel, Cisco Systems and the Ford Motor Company. Ford has reinvested hundreds of millions of dollars in its world-leading innovation centre in Broadmeadows.

Ovens Valley electorate

Mr McCURDY (Ovens Valley) (14:48) — (13 396) My question is to the Minister for Education on behalf of Kath Hemphill of Yarrawonga. Mrs Hemphill seeks clarification around the spare seats that are unavailable on a school bus route. Currently the bus transports Yarrawonga students to Cathedral College in Wangaratta. Mrs Hemphill's two older sons travel on the designated school bus, but her daughter, who has joined them, as she started year 7 this year, has been declined due to a lack of room on the bus. The V/Line bus runs late, and there is a very high cost of \$609 to transport one child 45 minutes from Yarrawonga to Wangaratta. Every day last year there were approximately five empty seats on the bus, and this year there have been up to 10 empty seats on most days. Mrs Hemphill is seeking clarification. If the bus coordinator at Wangaratta has a list that maintains that the bus is full, why are there so many spare seats and why can they not be accessed by new students?

Yan Yean electorate

Ms GREEN (Yan Yean) (14:49) — (13 397) My constituency question is to the Minister for Health and Minister for Ambulance Services, and I ask: what are the delivery time lines for the two new ambulance branch stations in the Yan Yean electorate? The Andrews government has committed to build new ambulance stations in Diamond Creek and Mernda. They are extremely important for Melbourne's north, to service the increased population growth. They are an important part of the Andrews government's significant efforts, working with our paramedics, to reduce

ambulance response times that are now the best in nine years. In Whittlesea, on average, response times are down by 32 seconds to now 12 minutes and 23 seconds and in Nillumbik by 52 seconds to 14 minutes and 40 seconds. These two new branch stations will make a huge difference in bringing those down even further.

Rowville electorate

Mr WELLS (Rowville) (14:50) — (13 398) The question I wish to raise is for the Minister for Roads and Road Safety. Minister, can you explain how a level crossing removal at Noble Park will have any positive benefit for local traffic congestion almost 10 kilometres away from the corner of Stud and Wellington roads in Rowville? Late last year I asked you a constituency question about VicRoads's plans for accommodating extra local traffic from the 800-household development at Kingston Links on the corner of Stud and Wellington roads. I was very surprised to read in your reply that the level crossing removal program would assist traffic congestion. I had explained that Rowville drivers struggle to reach major roads such as EastLink and the Monash Freeway due to heavy local traffic. City-bound commuters on EastLink and the Monash Freeway completely bypass the nearest level crossing removal site at Noble Park. Your reply contained no information from VicRoads about Kingston Links. I am even more disappointed that you did not take the time to read my question and take it seriously enough to provide even this level of detail to Knox residents.

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) (14:51) — (13 399) My constituency question is for the Minister for Education, and the question I ask is: what work is still necessary to ensure that Pascoe Vale Primary School has access to reliable energy sources, and when will this work be finished? Pascoe Vale Primary School is one of the oldest schools in my electorate; it was 125 years old last year. It is a great school. It has fabulous staff, more than 500 students and extremely committed parents. However, the school, due to its age, has had many maintenance problems over time. The previous government commissioned two reports, neither of which they did anything about, which found that the plumbing, including the drainage and sewerage, was in a state of disrepair; there was old, crumbling plaster falling from the ceilings; and the stumping was a mess. The current Minister for Education immediately rectified these problems, but there is now a problem with the electricity supply at the school, in particular the age of the service providing that. So I ask: what work is still necessary to fix it?

Nepean electorate

Mr DIXON (Nepean) (14:52) — (13 400) My question is for the Minister for Energy, Environment and Climate Change. Minister, have you requested or received any advice or recommendations from the Victorian Coastal Council in relation to your decision to install a permanent rock wall on Portsea beach? There is massive concern in the local community regarding that decision amongst local businesses, conservation groups and the community in general. They cannot understand why the government has now permanently closed their beach. We are all trying to understand the technical advice that you were given to make the decision to close that beach permanently.

Carrum electorate

Ms KILKENNY (Carrum) (14:53) — (13 401) My constituency question is for the Minister for Roads and Road Safety. My local community is eagerly awaiting the duplication of Thompsons Road between Frankston-Dandenong Road and Western Port Highway. I am very pleased to see that works are well underway on this tremendous project. My constituency question concerns the local flora and fauna along the new road corridor. Minister, what is being done to best preserve the native flora and fauna in this area, particularly the large river red gums?

South-West Coast electorate

Ms BRITNELL (South-West Coast) (14:53) — (13 402) My constituency question is for the Minister for Innovation and the Digital Economy in the other place. I seek the latest information on how the minister plans to improve mobile phone reception in the South-West Coast electorate when the state government goes it alone on mobile blackspot funding. I noticed over the summer break the government said it was pulling out Victorian funding from the federal government's program because it believes it can do a better job for regional Victoria. I want to know exactly how the government plans to do a better job and how mobile phone service in my electorate will be improved, given there are a number of blackspots across South-West Coast.

Frankston electorate

Mr EDBROOKE (Frankston) (14:54) — (13 403) My constituency question is for the Minister for Public Transport and Minister for Major Projects, and I ask: when will we be breaking ground on the much-anticipated Frankston train station redevelopment? There is certainly a buzz in the air in

Frankston and in our community about the new Young Street redevelopment and also the upcoming train station redevelopment. The new station will be safer, more accessible and more user-friendly. It will be a true gateway to the peninsula and a place our community can be proud of — something that we have been looking forward to for over 40 years.

It is part of our investment in a better Frankston and record investment in better public transport for Victoria. Frankston has been fighting for this investment, and we are actually delivering it right now — a new station, a safer community and a better place to live. After years of hard work it is definitely exciting to see the plans for the new station. I cannot wait to see works start later this year. This means more investment, more opportunity and more confidence in Frankston than has been given by any government in our history.

VICTORIAN INSPECTORATE and INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

The SPEAKER (14:55) — Order! I wish to advise the house that on 20 December 2017 I administered to Eamonn Moran, the Inspector of the Victorian Inspectorate, the oath required by section 26 of the Victorian Inspectorate Act 2011.

I wish to advise the house that on 21 December 2017 I administered to Robert Redlich, the Commissioner of the Independent Broad-based Anti-corruption Commission, the oath required by section 31 of the Independent Broad-based Anti-corruption Commission Act 2011.

ELECTRICITY SAFETY AMENDMENT (ELECTRICAL EQUIPMENT SAFETY SCHEME) BILL 2018

Introduction and first reading

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (14:55) — I move:

That I have leave to bring in a bill for an act to amend the Electricity Safety Act 1998 and to make consequential amendments to the Energy Safe Victoria Act 2005 and for other purposes.

Mr SOUTHWICK (Caulfield) (14:56) — I request a further explanation of the bill. Is it in relation to fuses or supply of energy?

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) (14:56) — The Electrical Equipment Safety Scheme Bill 2018 will help improve public safety outcomes for household electrical equipment and improve efficiencies for Victorian and interstate regulators and industry through the harmonisation of consumer electrical equipment safety regulation.

Motion agreed to.

Read first time.

INTEGRITY AND ACCOUNTABILITY LEGISLATION AMENDMENT (PUBLIC INTEREST DISCLOSURES, OVERSIGHT AND INDEPENDENCE) BILL 2018

Introduction and first reading

Mr PAKULA (Attorney-General) (14:56) — I move:

That I have leave to bring in a bill for an act to amend the Protected Disclosure Act 2012, the Independent Broad-based Anti-corruption Commission Act 2011, the Victorian Inspectorate Act 2011, the Public Interest Monitor Act 2011, the Ombudsman Act 1973 and the Parliamentary Committees Act 2003 and make consequential amendments to other acts to make Victoria's integrity and accountability system clearer and more efficient and to otherwise improve its operation and for other purposes.

Mr PESUTTO (Hawthorn) (14:57) — I ask that the minister provide a brief explanation of the bill.

Mr PAKULA (Attorney-General) (14:57) — I can advise the member for Hawthorn that the bill addresses concerns about the operation of the integrity and accountability system raised by the IBAC of the Victorian Inspectorate, the Public Interest Monitor, the Ombudsman, the information commissioner and others in response to the government's 2016 discussion papers. It is about resolving jurisdictional issues between integrity bodies, modernising and clarifying the Ombudsman Act to ensure that the Ombudsman can effectively resolve complaints, investigate maladministration, promote improved public administration and make Victoria's whistleblower protection system stronger and more accessible to encourage people to report corruption and public sector wrongdoing.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE**Notices of motion**

The SPEAKER (14:58) — I wish to advise the house that notices of motion 1 to 4 will be removed from the notice paper unless members wishing their notice to remain advise the Acting Clerk in writing before 5.00 p.m. today.

PETITIONS**Following petitions presented to house:****Flinders Street reserve, Rye**

To the Legislative Assembly of Victoria:

The petition of the residents of the Mornington Peninsula draws to the attention of the house the need to protect, in accordance with the state government biodiversity 2037 plan, a valuable bushland reserve with very high conservation significance located at 50 Flinders Street, Rye. This petition therefore requests:

1. the state government retain the land for public use; and
2. protect this bushland reserve from future housing subdivision, being a significant remnant of native vegetation in an otherwise highly urbanised residential area.

By Mr DIXON (Nepean) (212 signatures).**Mornington Peninsula planning**

To the Legislative Assembly of Victoria:

The petition of the residents of the Mornington Peninsula draws to the attention of the house the need to protect the Mornington Peninsula from inappropriate development by:

1. removing 'as of right' approvals which now allow three-storey developments and buildings up to 11 metres high within our general residential zone;
2. repealing recent changes which have expanded the scope of VicSmart planning applications, removing residents rights to be aware of future developments in their neighbourhood;
3. ensuring our existing design development overlays, which prohibit three-storey developments within general residential zones, are protected in perpetuity;
4. implement mandatory controls to strengthen and enforce the intent of our 2014 *Mornington Peninsula Localised Planning Statement* to override, in unambiguous language, any changes to the planning scheme, thereby providing a clear direction for decision-making;
5. protecting and strengthening local council control within the green wedge zone and rural conservation zone by limiting, or where necessary, preventing commercial and

industrial developments on rural land, including accommodation complexes.

By Mr DIXON (Nepean) (1995 signatures).

Tabled.

Ordered that petitions be considered next day on motion of Mr DIXON (Nepean).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**Alert Digest No. 1**

Ms BLANDTHORN (Pascoe Vale) presented Alert Digest No. 1 of 2018 on:

Audit Amendment Bill 2017

Bail Amendment (Stage Two) Bill 2017

Children Legislation Amendment (Information Sharing) Bill 2017

Justice Legislation Amendment (Victims) Bill 2017

Labour Hire Licensing Bill 2017

Marine and Coastal Bill 2017

Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017

Primary Industries Legislation Amendment Bill 2017

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Bill 2017

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Acting Clerk:

Accident Compensation Conciliation Service — Report year ended 10 October 2017

Australian Children's Education and Care Quality Authority — Report 2016–17

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Yarra Bend Park

Education and Care Services National Law Act 2010:

Education and Care Services National Further
Amendment Regulations 2017 under s 303

Report 2016–17 of the Education and Care Services
Ombudsman, National Education and Care Services
Freedom of Information and Privacy Commissioners

Financial Management Act 1994 — Budget Update 2017–18

Independent Broad-based Anti-corruption Commission —
Exposing and preventing corruption in Victoria — Special
report: IBAC's first five years — Ordered to be published

Land Acquisition and Compensation Act 1986 — Certificates
under s 7 (three documents)

Melbourne City Link Act 1995:

Deed of Lease (Western Link Upgrade) — WLU
Company Lease

Deed of Lease (Western Link Upgrade) — WLU Trust
Concurrent Lease

Planning and Environment Act 1987:

Infrastructure and Development Contribution Levies —
Report 2016–17

Notices of approval of amendments to the following
Planning Schemes:

Ararat — C37

Banyule — C108, GC76

Bass Coast — C147

Boroondara — C243 Part 2, C262, C272, C273,
C298, GC80

Brimbank — C126 Part 2, C187

Buloke — C33

Campaspe — C104

Cardinia — C223

Casey — GC87

Colac Otway — C94

Darebin — GC34, GC80

Frankston — GC76

Glen Eira — C143, C154

Glenelg — C94

Golden Plains — C76

Greater Bendigo — C220

Greater Dandenong — C182 Part 1, C194 Part 1,
C204, GC87

Greater Geelong — C327, C338, C351 Part 1,
C356, C357, C358, C369, C374

Horsham — C64

Hume — C220

Kingston — GC76

Knox — C150, C170, GC76

Latrobe — C85

Loddon — GC84

Macedon Ranges — C114

Manningham — C113, GC76

Mansfield — C40

Maroondah — GC76

Melbourne — C274, C314

Melton — C146, C147, C189

Moira — C77

Monash — C120

Moonee Valley — C180, C181, C185

Moorabool — C76

Moreland — C142, C159, C172, GC34, GC76

Mornington Peninsula — C204

Murrindindi — C57

Nillumbik — C108, GC76

Northern Grampians — GC84

Port Phillip — C123, C150, C152, C153

Pyrenees — C30

Stonnington — C132, C260, C261, C269

Victoria Planning Provisions — VC142

Wangaratta — C68 Part 1

Wellington — C96, C97

Whitehorse — C192

Whittlesea — C198, C208, GC76

Wyndham — C202

Yarra — C185, C209, C210, C239, GC80

Yarra Ranges — C161, GC76

Professional Standards Act 2003:

CPA Australia Limited Professional Standards Scheme
under s 14 (*Gazette G3, 18 January 2018*)

Instrument amending The Law Society of South
Australia Professional Standards Scheme under s 14
(*Gazette G52, 28 December 2017*)

Shrine of Remembrance — Report 2016–17, together with an explanation for the delay

Victorian Energy Efficiency Target Act 2007 — Notice of Declaration of Discount Factors.

Statutory Rules under the following Acts:

Bail Act 1977 — SR 131/2017

Building Act 1993 — SR 136/2017

Climate Change Act 2017 — SR 134/2017

Corrections Act 1986 — SR 133/2017

County Court Act 1958 — SRs 142, 143/2017

Family Violence Protection Act 2008 — SR 144/2017

Fines Reform Act 2014 — SR 129/2017

Infringements Act 2006 — SR 130/2017

Magistrates' Court Act 1989 — SRs 128, 144/2017

Marine (Drug, Alcohol and Pollution Control) Act 1988 — SR 137/2017

Marine Safety Act 2010 — SR 138/2017

Road Safety Act 1986 — SRs 139, 140, 141/2017

Subordinate Legislation Act 1994 — SR 135/2017

Victorian Civil and Administrative Tribunal Act 1998 — SR 132/2017

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 122, 128, 129, 130, 131, 132, 133, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144/2017

Documents under s 16B in relation:

Catchment and Land Protection Act 1994 — Declaration of Certain Animals to be Prohibited Pest Animals, Controlled Pest Animals, Regulated Pest Animals, or Established Pest Animals

City of Greater Geelong Act 1993 — Notice of Greater Geelong City Council Mayoral and Deputy Mayoral Allowances Alteration

City of Melbourne Act 2001 — Notice of Melbourne City Council Lord Mayoral, Deputy Lord Mayoral and Councillor Allowances Alteration

Education and Training Reform Act 2006 — Ministerial Order No 969 — Procedures for Suspension and Expulsion of Students in Government Schools 2018

Environment Protection Act 1970 — Guidelines for modifications to water corporation sewage treatment plants exempt from works approvals

Road Safety Act 1986 — Order declaring offences against the laws of other States and Territories to be corresponding interstate drink-driving offences

The following proclamations fixing operative dates were tabled by the Acting Clerk in accordance with an order of the house dated 24 February 2015:

Building Amendment (Enforcement and Other Measures) Act 2017 — Sections 4, 5, 13, 14, 16, 18(2) and (3), 25, 28 to 30, 39 to 41, 43 to 48, 52, 54, 59(2) and 85 — 31 January 2018 (*Gazette S443, 19 December 2017*)

Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 — Parts 1 and 5, Division 1 of Part 6, s 40, Division 2 of Part 8, ss 60 and 61 and Parts 10 and 12 — 30 November 2017; Sections 59, 62 and 63 — 20 December 2017; Divisions 1 and 2 of Part 2, Division 1 of Part 4, s 22, Division 4 of Part 4 and ss 34, 35, 37 and 39 — 26 February 2018 (*Gazette S406, 28 November 2017*)

Environment Protection Act 2017 — Sections 1, 2, 4, 30, 31 and 32 — 1 January 2018 (*Gazette S433, 12 December 2017*)

Fines Reform Act 2014 — Whole Act — 31 December 2017 (*Gazette S443, 19 December 2017*)

Fines Reform Amendment Act 2017 — Part 2 and ss 113, 125 and 126 — 21 December 2017 (*Gazette S443, 19 December 2017*); Part 3 — 11 January 2018 (*Gazette S7, 10 January 2018*)

Gambling Regulation Amendment (Gaming Machine Arrangements) Act 2017 — Parts 2, 3, 4, 6, 7 and 10 and Divisions 1 and 2 of Part 8 (except s 90) — 20 December 2017 (*Gazette S443, 19 December 2017*)

Justice Legislation Amendment (Court Security, Juries and Other Matters) Act 2017 — Part 2 — 2 January 2018 (*Gazette S416, 5 December 2017*)

Parks and Crown Land Legislation Amendment Act 2017 — Whole Act — 15 December 2017 (*Gazette S433, 12 December 2017*)

Ports and Marine Legislation Amendment Act 2017 — Part 1, s 11 and Part 6 — 18 December 2017; Sections 4, 5, 10, 12 to 27, 30, 31, 33 and 39 to 42 and Part 4 — 31 December 2017; Sections 34 to 38 — 31 January 2018 (*Gazette S433, 12 December 2017*)

Renewable Energy (Jobs and Investment) Act 2017 — Whole Act — 15 December 2017 (*Gazette S433, 12 December 2017*)

Sentencing Amendment (Sentencing Standards) Act 2017 — Whole Act (except Parts 3 and 4 and s 42) — 29 November 2017 (*Gazette S406, 28 November 2017*); Remaining provisions — 1 February 2018 (*Gazette S28, 30 January 2018*)

Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017 — Section 76 and Part 4.2 — 1 January 2018; Parts 3.2 and 3.3 — 31 January 2018 (*Gazette S443, 19 December 2017*).

ROYAL ASSENT**Messages read advising royal assent to:****19 December 2017**

Commercial Passenger Vehicle Industry
Amendment (Further Reforms) Bill 2017

Corrections Legislation Further Amendment
Bill 2017

Crimes Legislation Amendment (Protection of
Emergency Workers and Others) Bill 2017

Drugs, Poisons and Controlled Substances
Amendment (Medically Supervised Injecting
Centre) Bill 2017

State Taxation Acts Further Amendment Bill 2017

Transport Legislation Amendment (Road Safety,
Rail and Other Matters) Bill 2017

20 December 2017

Domestic Animals Amendment (Puppy Farms and
Pet Shops) Bill 2017.

APPROPRIATION MESSAGES**Messages read recommending appropriations for:**

Audit Amendment Bill 2017

Children Legislation Amendment (Information
Sharing) Bill 2017

Justice Legislation Amendment (Victims) Bill 2017

Labour Hire Licensing Bill 2017

Marine and Coastal Bill 2017

Victorian Independent Remuneration Tribunal and
Improving Parliamentary Standards Bill 2017.

**ACCOUNTABILITY AND OVERSIGHT
COMMITTEE****Membership**

The SPEAKER (15:03) — I wish to advise the house that I have received the resignation of Mr Staikos from the Accountability and Oversight Committee effective from today.

Ms ALLAN (Minister for Public Transport) (15:03) — By leave, I move:

That Mr Noonan be appointed a member of the Accountability and Oversight Committee.

Motion agreed to.**SELECT COMMITTEE ON MEMBERS FOR
TARNEIT AND MELTON****Establishment**

Mr GUY (Leader of the Opposition) (15:03) — I desire to move, by leave:

- (1) A select committee be appointed to inquire into and report on all matters relating to the conduct of the member for Tarneit and the member for Melton in relation to their claiming of second residence allowances and their subsequent resignations as Speaker and Deputy Speaker, including:
 - (a) all claims they have made for second residence allowances;
 - (b) whether they were entitled to make those claims and whether it was appropriate for them to do so;
 - (c) the documents and other materials they provided in support of their claims;
 - (d) whether any of the documents and other materials they provided were false or misleading;
 - (e) whether the statements, documents and other material they have made or provided in relation to their claims are consistent with statements, documents or other material they have made or provided in relation to their electoral enrolment and in relation to any entitlement or liability in relating to any residential property, including regarding stamp duty, land tax, income tax or council entitlements or liabilities;
 - (f) what repayments of second residences allowances have been made by each member;
 - (g) whether either member used their office as Speaker or Deputy Speaker to assist in the procurement of an allowance to which they were not entitled;
 - (h) whether each member has complied with the Members of Parliament (Register of Interests) Act 1978; and
 - (i) whether any threats were made to either member, or any inducements offered to them, to resign their office;
- (2) the committee is to make recommendations on:
 - (a) whether either the member for Tarneit or the member for Melton should be dealt with by the house for contempt or breach of privilege;

- (b) whether the house should require the member for Tarneit or the member for Melton to make any repayment, or further repayment, in respect of any allowance they may have claimed;
 - (c) whether any material or findings arising from the inquiry should be provided to the Independent Broad-based Anti-corruption Commission, the State Revenue Office, the Australian Electoral Commission, the Victorian Electoral Commission or any other body; and
 - (d) what measures should be taken by the house to restore its standing in the eyes of the community following the damage caused by the conduct of the former Speaker and Deputy Speaker;
- (3) the committee will consist of four members from the government party nominated by the Leader of the House, three members from the opposition nominated by the Leader of the Opposition and one member from the Australian Greens nominated by the member for Prahran;
 - (4) the members will be appointed by lodgement of the names with the Speaker no later than 4.00 p.m. on the sitting day following the motion being agreed to;
 - (5) the first meeting of the committee must be held no later than 12 noon on Tuesday of the week following the sitting week in which the motion is agreed to;
 - (6) the committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy;
 - (7) four members of the committee are to constitute a quorum of the committee;
 - (8) the chair of the committee will be a non-government member and the deputy chair will be a government member;
 - (9) the committee will advertise its terms of reference and call for submissions and all such submissions received by the committee will be treated as public documents unless the committee otherwise orders;
 - (10) the committee may commission persons to investigate and report to the committee on any aspects of its inquiry;
 - (11) the committee will present its final report to the Assembly no later than 24 May 2018;
 - (12) the presentation of a report or interim report of the committee will not be deemed to terminate the committee's appointment, powers or functions; and
 - (13) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders and sessional orders or practices of the Assembly will have effect notwithstanding anything contained in the standing or sessional orders or practices of the Assembly.

Leave refused.

BUSINESS OF THE HOUSE

Program

Ms ALLAN (Minister for Public Transport)
(15:07) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 8 February 2018:

Bail Amendment (Stage Two) Bill 2017

Justice Legislation Amendment (Victims) Bill 2017

Labour Hire Licensing Bill 2017.

In making a few comments on the government business program for our first week of the parliamentary year, I welcome everyone back. I hope everyone is refreshed. It is pretty clear from the desultory effort of those opposite that it was not a summer of policy work going on by those opposite over the last few weeks. They were obviously having a pretty good holiday, sitting back, having a few drinks with umbrellas in them maybe and cooling their heels. Not a lot of policy work went in over the summer, but I am pleased to assure the house that the government did not rest over summer.

We have been working incredibly hard, which is why you have seen bills introduced today by my colleagues — important bits of legislation, significant detailed pieces of legislation that we have been beaver away on over the summer that will come on for debate in the coming weeks — and of course the three bills that I have just mentioned to the house that are on the government business program this week. Given the bills that are on the government business program this week, I anticipate the opposition might have the chance to get in there and have a bit of a say. It might even give them a chance to reflect on how, during their time in government, they failed in some of these policy areas, how they cut funding to Victoria Police and how we saw the crime rates going up during their time in government.

But isn't it a good thing that under our government we have seen funding go into Victoria Police — more police, more support — and the crime rate going down? That is what happens when you invest in resources and do not undermine the office of the Chief Commissioner of Police as of course those opposite engaged in when they were in government. This justice bill and the bail amendment bill might be a good chance for those opposite to explain some of their behaviours in government. You never know, they might support these measures that the government is introducing to

strengthen support for victims and to strengthen the bail legislation — work that is going on around the clock by this government in this policy area and indeed by so many others across government.

I always contribute to these debates with an optimistic tone. I do hope that this government business program is supported. But we have just seen the effort of the Leader of the Opposition — he had everyone gathered around him, and they were all in here expecting something big and expecting something important — go off with more of a whimper than a bang in terms of a contribution to advancing the policy debate here in the Victorian Parliament and amongst the Victorian community. That reflects the lazy efforts of those opposite. They are more interested in picking a fight than they are in doing the hard policy work to advance a proposition. They are more interested in going down; no road is too low for those opposite in terms of the sorts of arguments that they want to run in the Victorian community and the way they want to try and tear at the fabric of the Victorian community. It does not matter whether they are trying to pick an argument with our teachers, who do great work in our public schools, whether they are trying to pick a fight with local governments or whether they are trying to make up stories about Australia Day and Anzac Day and tell fibs about the positions of this government. There is no road too low for those opposite.

Personally I think it is great that the opposition have pinned their colours to the mast this early in the year, because I think this is what we can expect and what the Victorian community can expect. They are not going to do the hard work. They are not going to present policy suggestions. They are not going to put alternate policy positions forward for this Parliament or the community to consider. No, that is where they are going to go.

I do hope, though, that those in the chamber can support this government business program because it has important legislation to support and protect the Victorian community and also to support workers in our community through the Labour Hire Licensing Bill, which reflects the strong work that the Minister for Industrial Relations has been doing in this space for quite some time. You never know, if time permits we might get to a motion that I think is item 11 on the government business program. We might have some time to revisit that debate, because if you want to have an argument about values and about supporting services for the Victorian community and cutting services for the Victorian community, I think that is a debate that is well worth having as well during the course of this week.

Mr CLARK (Box Hill) (15:12) — If you ever wanted a demonstration of a government out of touch with reality, it was provided by the speech given by the Leader of the House. To have the nerve to suggest that the government has been active over summer and the opposition has been doing nothing is almost the exact opposite of the truth. Since the start of the Christmas break, week after week, almost day after day, it has been the opposition parties that have been setting the agenda in this state, putting forward initiative after initiative to tackle the problems that the government will not even admit exist — problems of gang violence, problems of other crime and lawlessness, better support for our police force and better support for our sentencing regime. The member for Hawthorn along with Mr O'Donohue, a member in the other place, and the Leader of the Opposition day after day have been spelling out what a Guy government will do to make Victoria safe again.

Where were the government to be seen during all of that time? They were nowhere to be seen. Indeed we had the bizarre spectacle on one occasion where the Premier, the Deputy Premier and the Leader of the House were all on leave at the same time and the poor Minister for Police was struggling even to know who the Acting Premier was. I think she had a punt on the Leader of the House, and it turned out to be the Treasurer. If you ever wanted a demonstration of a government in disarray, it was that. The senior echelon of the government disappeared on leave at the same time, leaving the other ministers to carry the can, not even knowing what was going on. That is a government that is asleep at the wheel and ignoring the needs of the Victorian community.

To see the very modest business program the government has put forward this week — albeit that there are other matters happening as well — shows either other bills are not in a position to proceed or they feel they need to pace themselves given the paucity of other legislation on their program. It is a further demonstration of a government that is out of touch with reality and that is tired, worn down and in disarray.

We oppose the government business program. We oppose it principally because of the failure of the government yet again to tackle the manifest injustice, the manifest outrage, of the very serious allegations of rorting and abuse of office that are still outstanding against the former Speaker and the former Deputy Speaker. Up until now the government has used the feeble excuse that this was a matter that was subject to Victoria Police investigation. That was not a good reason for this house to fail to commence to take action as these were not matters before the courts. But now

even that feeble excuse is gone and there is no reason whatsoever why the house should not proceed to do what it should have been doing months ago, which is to properly investigate those matters.

Certainly we do not want to see the government turn around and say, ‘Well, Victoria Police have looked at it, they are not going to proceed with charges, therefore we should not do anything’, because we saw from the example of the member for Frankston in the previous Parliament, if not from myriad other examples and from first principles, the fact that responsibility of this house to deal with abuse of office and allegations of that against its members is separate from criminal proceedings — it can and should proceed even in the absence of criminal proceedings. That was certainly the standard and the conduct that the then Labor opposition expected in the previous Parliament. It was a standard and process that the then coalition government upheld, and this government should be doing the same and ensuring that these allegations are referred to a select committee of this Parliament. Whether to a special select committee as moved by the Leader of the Opposition or whether to the Privileges Committee, the matter needs to be dealt with.

It is a disgrace and an embarrassment to this Parliament that week after week the government is refusing to deal with this. This is a point that we make over and over again, but it is a point that needs to be made over and over again. How can the community have any respect for and confidence in this Parliament, let alone in the government, when these sorts of rorts and abuse allegations are not being dealt with? In volume, in size and in the amount of taxpayers money involved they far exceed the allegations that were made against the member for Frankston in the previous Parliament. Yet while the then Labor opposition thought that the allegations against the then member for Frankston needed to be pursued with the utmost vigour and were very serious indeed — and they did need to be pursued, and they were pursued and dealt with — it seems to be an entirely different story when it is members of the Labor Party who are involved, be it the red shirts rorts or the allegations against the members for Melton and Tarneit. While the government is refusing to allow the Leader of the Opposition to proceed this week with his motion, we oppose the business program.

Mr CARBINES (Ivanhoe) (15:17) — I am pleased to add my support to the government business program as outlined by the Leader of the House. Can I say firstly that it was pleasing — it is always regretful but also pleasing — to hear the contributions on the condolence motion earlier today in relation to the Honourable Andrew McCutcheon, a very substantial figure in

public life in Victoria. There were also of course the reflections on Stuart McDonald, someone who under former Treasurer Brumby and others played a significant role. He was put back in harness, if you like, for the good of the community in regional Victoria and undertook some substantial roles under the Bracks and Brumby governments in particular, despite his broader contribution to Victorian politics as well.

Can I say also, though, that in outlining several of the bills that the Leader of the House has talked about I am also looking forward to the opportunity, I would hope, to discuss the item listed at 11 under the orders of the day, particularly around the cost audit, because I think that is something that we will reflect on many times throughout this year.

I had cause to reflect on it last week with our daughter starting school — just like the many Victorian families across the state with children starting school. Our daughter started at Rosanna Golf Links Primary School, a school that is currently undergoing a multimillion-dollar redevelopment thanks to the Andrews government. We worked our way around some of the new areas and some of the work and construction that is underway for the 550 students at the school and their families. Just around the corner at St Martin of Tours Primary School there are more capital redevelopment works going on.

In relation to the cost audit matter that is listed on the notice paper, I noticed that it goes to the sorts of infrastructure investment and services investment in Victoria that we did not see under the previous government. When we are talking about investment and cuts and costs, the cost audit is something that we will look forward to having a discussion about if time permits as we work our way through what is a busy schedule of legislation over the course of the week.

In particular, as we concluded our kindergarten experience over the past couple of years at Interlaken Kindergarten, I reflected on the Take a Break program, a \$1.9 million program for occasional care that was cut by the Baillieu government. As I reflected on children starting school and going back to school, I was reminded of the services that matter to families in our community, the services that are important to continue and that have support of course from the Andrews government. They are also part of that cost audit. I do not mind just touching again on what is stated on the notice paper in relation to the cost audit:

That this house notes:

- (1) the Liberal-Nationals coalition have confirmed they will undertake a cost audit if they win the 2018 election;

- (2) the devastating cuts and job losses in the public service when the Liberal-Nationals were last in government; and
- (3) the grave risk to services and jobs following a Liberal-Nationals cost audit.

Of course we all understand that cost audits mean cuts. People understand that that is what cost audits under conservative governments mean for Victorian families.

Can I say also that I am looking forward to some discussions in relation to and some commentary on the Justice Legislation Amendment (Victims) Bill 2017 and of course the Bail Amendment (Stage Two) Bill 2017. In particular what I am reminded of are some of the significant achievements that we have seen play out in the Ivanhoe electorate just recently in relation to the 5634 shifts since January 2016 that police custody officers have acquitted in my local electorate and particularly out at the Heidelberg station. The government has also fully acquitted 400 recruited police custody officers across the state. If as a result of those dedicated police custody officers being in place we have got now some 5634 shifts at Heidelberg station that free up police to be on the streets, that is a significant win for resourcing our community.

Certainly in my electorate it is a program that we have fully acquitted and delivered. It is a program that goes to many of the justice legislation bills that we will be discussing this week. It provides greater capacity for police to do the job which they are trained to do, and it also provides employment opportunities for those in the community to make a contribution as police custody officers. We launched that policy in opposition with the member for Mulgrave, now the Premier. We launched it in Heidelberg, we have delivered it in Heidelberg and it is of great benefit. That is what happens when you continue to listen and invest in what matters to local communities.

Mr HIBBINS (Pahran) (15:22) — I rise to speak on behalf of the Greens on the government business program. I am at a bit of a loss as to why the government is not choosing to refer the members for Melton and Tarneit to the Privileges Committee or to the select committee that is being proposed by the opposition. I want to read from the *Review of Members Second Residence Allowance: Phase 1*, which was undertaken by PwC for the Audit Committee in March 2017. I want to read out the findings for the member for Melton or part of it:

Viewed from the perspective of the average person on the street, an objective observer, a position could be taken that the arrangement in this period with the member's close family

may have been entered into to ensure that the member would continue to receive the second residence allowance.

It goes on to say:

From a reputation risk perspective for Parliament, the arrangement may be construed as non-prudent, non-arm's length, potentially non-commercial (low 'rent'), and arguably opportunistic, designed to ensure continued enjoyment of the second residence allowance.

This is pretty serious stuff, and I understand from previous parliaments that matters like this have been referred to the Privileges Committee to further investigate and to recommend a sanction, if any is warranted, and for this chamber to then vote on that said recommendation. The government has chosen not to do that for almost a year now. They previously cited an ongoing police investigation as the reason why they have not done that. None of the government speakers so far have offered up any reason as to why that is not occurring now. The police investigation has concluded. I see no reason why this government is not now referring those members to the Privileges Committee, apart from the fact that whatever political cover or political advantage that may be gained from not referring those members is being put ahead of the integrity of this Parliament.

I would ask members of the government to reflect on the standard that they are setting for future parliaments on matters like this, because the message that they are sending is that their members get to play by different rules to everyone else. That if you are a member of the government, perhaps if you are a Speaker or a Deputy Speaker, then you do not have to face the same consequences of your actions as everyone else would. I would ask the government to reflect on the approach they are taking and refer those members to the Privileges Committee.

Mr Pearson — Why would we listen to you? You're a sellout, afraid of the working class.

Mr HIBBINS — What a sorry state we are in. On this serious matter we have got the petty interjections of another member of the government, the member for Essendon. The Greens will not be supporting the government business program. We would be urging the government to reflect on the course of action that it has taken and refer those two members.

Mr McGUIRE (Broadmeadows) (15:26) — It is a privilege to begin the final year of the 58th Victorian Parliament with bills that will protect community safety, will protect against sexual abuse and will protect workers from the exploitation operating in the shadows of workplace laws. This government

business program defines why Labor matters and builds on the Andrews government's record of getting things done.

This is the critical proposition that I want to take up with the manager of opposition business. Let us set out the facts here: the record stands in high contrast to the failed one-term coalition government and its attempts today to divide the community through its culture wars. Here we go again. This is low politics. This is the low road to divide the community to try to win power. There it is, from day one, established right here. I am calling it out from day one and I want it on the record. We have seen these plays before. We have heard the Leader of the Opposition make claims about the world's most livable city being like Johannesburg. Are you kidding? Is this really how low this year will go?

So let us put it up. I referenced it in my inaugural speech seven years ago: the chain reaction of race, rights and taxes is the way to divide the community. That is taken out of the Republican Party handbook, going all the way back to the Reagan administration. This is nothing new. This is just the way it is being played out again. I have put it on the record, and the challenge is there. Are we going to have the first election where multiculturalism will not be supported by all sides of the Parliament? There it is: come in and defend it. I want to see the Leader of the Opposition make the claim — does he support it or not? You cannot walk both sides of this barbed wire fence. You cannot be doing that.

This government business program goes to how the government has been able to set up what it has done. I referenced it in my first contribution when the Andrews government came to power. Life is short; government is shorter. Let us get on and do things. You have seen the way the Premier and the Treasurer have driven a triple-A economy — sound financial management, the biggest infrastructure that the state has ever seen, Melbourne Metro — defining how jobs and opportunity can go right throughout the state. Not talking down to rural and regional Victorians, as the Kennett government did, as the toenails. They do not refer to them in that way. They do not diminish people in that way. They are trying to create jobs right throughout the state of Victoria.

Remember how we had a do-little government for four years? The button they hit was the snooze button for four years. That is the snooze proposition that we have heard. Let us make sure that we actually address the facts and remember that the strategy they had was that they were going to backend their term, and try and do all the announcements in the final year.

Look at that in contrast to what the Andrews Labor government has delivered right through its first three years. That is the key proposition. That still rankles the more considered, thoughtful members of the coalition because they know that here it is again. We have got the Bail Amendment (Stage Two) Bill 2017 to strengthen the Bail Act 1977, clarifying and strengthening bail decision-making processes with an emphasis on community safety. So we are getting this done. Last May the government announced that it would introduce a second wave of bail reforms to cover the more complex matters, including giving police more powers to remand and clarifying the unacceptable risk and reverse onus tests. This is getting that issue done.

The next proposition is making sure that there is safety from sexual abuse. That is obviously incredibly important and is one of the propositions coming out of the *Betrayal of Trust* report, which came out of the landmark inquiry done by this Parliament that had bipartisan support and has now stood in good stead for two parliaments and three premiers. So let us get that done in the public interest.

Then there is the Labour Hire Licensing Bill 2017. This bill will crack down on dodgy operators to protect Victorian workers. That is why the Labor government is introducing a universal licensing scheme to protect workers across all sectors from labour hire providers who are not doing the right thing and taking care of their workers.

In finishing, I want to acknowledge Andrew McCutcheon's fine duties as a parliamentarian and minister.

Mr KATOS (South Barwon) (15:31) — I rise to speak on the government business program. I might just respond to some of the comments the member for Broadmeadows made, particularly on multiculturalism. My father came to this country in 1949 as a 17-year-old. He survived Nazi occupation in Greece. He then survived the civil war between the nationalists and the communists. He came to this country and worked hard. He raised a family, created a business and created wealth. He taught his sons to respect Australia and the rule of law that this country has. If there are certain people who are not interested in that in this country and do not want to respect our values and the rule of law in this country, then they need to be called out. I am not going to have the member for Broadmeadows lecture me on multiculturalism, because I am a product of multiculturalism. My father and my mother have taught me to respect Australia and its rules and laws. That is what I do. If someone does

not want to, there are plenty of planes leaving this country on a daily basis if they want to get on one.

As far as the government business program goes, it is a very light program considering the last sitting week was in December. We could have had a lot more bills being debated this week. We have only got three bills up: the Bail Amendment (Stage Two) Bill 2017, the Justice Legislation Amendment (Victims) Bill 2017 and the Labour Hire Licensing Bill 2017. It is not a massive program. The government should be dealing with the members for Tarneit and Melton. As the member for Box Hill and the member for Prahran have mentioned, the police investigation is finished. There is nothing stopping the Parliament, either through the Privileges Committee or through the select committee, as moved by the Leader of the Opposition, investigating the very poor behaviour of the members for Melton and Tarneit and then this Parliament dealing with those members.

With the government not wanting to do that and in essence continuing to almost protect the members for Tarneit and Melton over their roting behaviour, it undermines this Parliament and undermines this institution. They should be dealt with as quickly as possible. Put them before either the Privileges Committee or the select committee and deal with them. That is what the people of Victoria expect. The people of Victoria see this sort of behaviour from politicians and it makes them cringe. They do not like seeing that sort of behaviour. It needs to be investigated and dealt with appropriately.

As the government is not wanting to deal with the members for Tarneit and Melton in any fashion and as the manager of opposition business has said, the opposition will not be supporting the government business program.

Ms SHEED (Shepparton) (15:34) — *(By leave)* It gives me no pleasure to rise to oppose the government business program today, yet again. I think it is very important that the Privileges Committee deals with the outstanding issues in relation to the members for Tarneit and Melton. I believe that the integrity of the 58th Parliament will in some ways rise or fall on whether this issue is dealt with, because, as far as I am aware, never before in a commonwealth Parliament has a Speaker and a Deputy Speaker been required to depart from their positions in circumstances such as these. There are quite clearly circumstances that do need to be investigated. The police have done their bit and found that there are no charges to be laid, but there are questions that remain arising from that PricewaterhouseCoopers report that was done in 2016 that need to be looked into, and steps should be taken.

There is a Privileges Committee. It exists. It should be used. It is the appropriate committee to deal with the issue and come to a decision one way or the other. And if some sort of penalty or steps are to be taken, they should be taken. I can imagine in five, 10 or 20 years time people will search documents to see whether a Speaker or a Deputy Speaker has behaved in this way in the past, and they will see that it occurred in the 58th Parliament of Victoria. They will look to see what the penalty was. They will look to see what steps and what actions were taken, and they will be astounded should they find that nothing happened. So it is really important for the whole of this Parliament. It ought not be seen as political party issue. It should be seen as a question about the integrity of this Parliament where there seems to be a body of evidence to suggest that there has been incorrect use of taxpayers money by two people.

It ought to be looked into and properly dealt with. It would be very disappointing if that did not happen. I think it would leave a black mark against this Parliament into the future. The Privileges Committee is already there and waiting to do the job. It was used in the previous Parliament in relation to a parliamentarian who, on a much smaller matter, was found to have breached the rules.

The business program before us is a worthy one. There are important bills to consider, and indeed there are a number which I am interested in. The Labour Hire Licensing Bill 2017 is the result of a government inquiry in relation to those issues. As I understand it people from the Shepparton area gave some evidence about that because it relates to the registration of contractors who are often getting together work gangs to work on tomato picking, fruit picking and those sorts of enterprises. We know that in some cases there are unscrupulous contractors who are doing the wrong thing.

This bill sets up a system whereby contractors have to be registered and employers can only use a registered contractor, so it sets up safeguards for a group of people who are often seen as vulnerable. For instance, in Shepparton we often have groups of people from Vanuatu who come into the district and undertake seasonal work. I am told that they often earn enough money during that season to support themselves and their families back home for the remainder of the year. But they are very vulnerable to being exploited, and that has happened in a number of circumstances. The government inquiry showed that and tried to address it.

In this Parliament I would like to see this year as one in which we are addressing really serious issues. I am

concerned that we ought to understand what our job here is and we ought to get on with it. These bills before the house represent serious issues that need to be dealt with. Our bail laws need amending. Our corrections laws need amending. At the moment we live in a world where there are very few consequences for young people who are put on community correction orders. There are many serious issues that need to be debated and looked at throughout the course of this year, and I hope we do them justice.

House divided on motion:

Ayes, 44

Allan, Ms	Knight, Ms
Andrews, Mr	Languller, 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
Garrett, Ms	Spence, Ms
Graley, Ms	Staikos, Mr
Green, Ms	Suleyman, Ms
Halfpenny, Ms	Thomas, Ms
Hennessy, Ms	Thomson, Ms
Howard, Mr	Ward, Ms
Hutchins, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

Noes, 41

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

Motion agreed to.

MEMBERS STATEMENTS

Ronald Joseph Walker, AC, CBE

Mr EREN (Minister for Tourism and Major Events) (15:46) — It is with great sadness that I acknowledge the passing of Ron Walker. Ron was a great Australian and Victorian who passionately loved Melbourne. A former Lord Mayor of Melbourne, Ron was also the chairman of the Melbourne 2006 Commonwealth Games Corporation, chairman of the Victorian Major Events Company and a trustee of the National Gallery of Victoria.

In 2003 Ron was awarded a Companion of the Order of Australia for services to business, arts, tourism and the community. He raised the profile of Australia internationally, with significant benefits for tourism and employment. His vision for and leadership of the Australian Grand Prix Corporation made the Australian Formula One Grand Prix and the Australian Motorcycle Grand Prix two of the most iconic sporting events in Australia. I extend my sympathies to Ron's family and friends.

Major George McLauchlan Logan

Mr EREN — In December 2017 Australia lost one of its most active and proud veterans with the passing of Major George McLauchlan Logan. George spent his childhood in Scotland, moving to Australia with his family in 1955. By 1956 he had enlisted in the army, becoming an Australian while on active service during the Malayan emergency in 1957. George said he first got a real sense of being an Australian digger when carrying fellow Australians killed in action. 'At that point', he said, 'I couldn't be anything but Australian'.

George also served in Vietnam in dense jungle inaccessible to helicopters, living mostly on weeds and wild coriander. George's unit carried their casualties with them, despite being tracked by the enemy —

The DEPUTY SPEAKER — The member's time has expired.

Eastfield Park, Croydon

Mr HODGETT (Croydon) (15:47) — I rise today to direct the Minister for Sport's attention to Eastfield reserve in my electorate of Croydon. Eastfield reserve is home to Eastfield Cricket Club and South Croydon Junior Football Club, both fantastic local clubs with great membership and participation rates across junior, senior and women's teams, which are predicted to grow significantly by 2021. Eastfield Cricket Club was first established in 1973 and over time has seen an

exponential growth in membership. In 2017 there were 127 players listed, up from a total of 74 players in 2014, and current female participation is at 4 per cent and is predicted to increase to 7 per cent in the near future. South Croydon Junior Football Club had 270 registered players in junior teams alone in 2017, with all teams set to grow, including female participation, which stood at 6 per cent in 2017 and is projected to reach 16 per cent by 2021.

For such dynamic clubs the clubrooms and social facilities are not up to standard and as such preclude the clubs from hosting a preferred range of functions and activities associated with local sporting clubs, such as sportsmen's nights, fundraisers and so on. Maroondah council is currently in the process of developing a master plan of Eastfield reserve and is now seeking community involvement and input for what they foresee being a great outcome for the area. I encourage all members of the cricket and football clubs as well as local residents and regular users of the oval and its facilities to go online and submit their views via the council survey. Eastfield reserve has the potential to be a terrific local facility. I look forward to working with each club committee and Maroondah council to see that an upgrade to the clubrooms is delivered. I would also like to take the opportunity to congratulate Eastfield Cricket Club on a great season and wish South Croydon, both juniors and seniors, all the best for the upcoming football season.

Australia Day awards

Mr NOONAN (Williamstown) (15:49) — I rise today to acknowledge the selfless contributions of individuals in the Hobsons Bay community whose commitment to improving the lives of others has earned them recognition in this year's Australia Day honours. Dr Mukesh Haikerwal has been made a companion in the general division of the Order of Australia, the country's highest civilian honour. The former World Medical Association chairman and Australian Medical Association president has faithfully served the people of our local community for 27 years through his family medical centre. Dr Roger Mee, who performed the first paediatric heart transplant in Australia in 1988, was also made an Officer of the Order of Australia for distinguished service to medicine.

Warwick Norman's contribution to improving international maritime safety standards has long been highly regarded across the globe. He has now been made a Member of the Order of Australia in honour of his pioneering work. Therese McKenney has received an Order of Australia Medal for her tireless work across the community. Therese is synonymous with the

Newport Community Education Centre, where she has spent the last three decades assisting individuals and community groups from all walks of life while also supporting the Rotary Club of Altona. Finally, children's author Andy Griffiths was named Hobsons Bay Citizen of the Year for his outstanding service to the community, in particular his work to promote literacy in the Hobsons Bay area at the Willy Lit Fest. My heartfelt congratulations and thanks goes to all of these local people who contribute so much to Victoria.

Hon. Stuart Richard McDonald, AM

Mr WALSH (Murray Plains) (15:50) — Recently I attended a service to celebrate the life of Stuart Richard McDonald, AM. Stuart was born in Rochester and attended Timmering East Primary School, Echuca High School and University High School before completing a bachelor of science with honours and then a masters majoring in chemistry and metallurgy. He was heading to England to do his PhD when his father took ill and he returned to Timmering to run the family property. His interest in the welfare of farmers led to his involvement in the Australian Primary Producers Union and the Victorian Farmers Union.

With Deputy Prime Minister 'Black Jack' McEwen as a neighbour and a mentor Stuart entered the Victorian Legislative Council in 1967 and served until 1979 when a redistribution abolished his seat. Stuart continued his role in public life as state and then federal president of the National Party, chair of the Rural Finance Corporation for 12 years and with many years of service on the Rochester hospital board, including being made a life governor twice. In 2003 Stuart was appointed a Member of the Order of Australia for his services to agribusiness and the Victorian Parliament, a definite person of merit for that award. Vale, Stuart Richard McDonald, AM.

Geelong electorate schools

Ms COUZENS (Geelong) (15:51) — Those opposite cut education funding to our schools and TAFE, but we are getting things done. The people of Geelong will not forget the shocking cuts to education that saw no schools being built and existing schools falling into disrepair. The funding cuts to our TAFE sector by those opposite saw the demise of our Gordon TAFE. The Andrews government has invested in rebuilding our TAFEs. A builder has now been appointed to rebuild Whittington Primary School, Geelong High School is under construction and the new tech school located at the Gordon TAFE is now coming out of the ground and is due for completion later this year.

While on education, in my last speech in this place I said that the Minister for Education and I had visited Roslyn Primary School; I should have said Highton Primary School, so I want to correct the record.

Works will commence at many of the schools in my electorate this year: Matthew Flinders Girls Secondary College, Belmont High School, Newtown Primary School, Chilwell Primary School, Ashby Primary School, Oberon Primary School, Fyans Park Primary School, Newcomb Park Primary School — and the list goes on.

Geelong region events

Ms COUZENS — Geelong has thrived over the holiday period with many significant events at Kardinia Park. We had Carols by Candlelight, the Big Bash League and soccer. The Cadel Evans Great Ocean Road Race and the Festival of Sails featured on Geelong's waterfront, and we saw the second year of the National Cricket Inclusion Championships in Geelong. We had the Oates Victorian Open on the weekend. All of these events give Geelong the economic boost that it needs.

Emerald Secondary College

Mr BATTIN (Gembrook) (15:53) — I rise on behalf of Emerald Secondary College. I was up at Emerald Secondary College during the school holidays and met the principal. One thing I found quite interesting was that people from the school, particularly parents, are sick of hearing the comeback from a government that has done nothing with education in my electorate. They keep saying, 'You guys were in government for four years; what did you do?'. That probably has some ring in the first 12 months, but once you start getting towards the end of that four-year period and you still have not done anything, especially after 14 out of 18 years in government, it starts to become a bit of a joke, and my community are treating it is just that way.

Emerald Secondary College have a major issue with one of their buildings. They have a roof that leaks. They have a septic tank that a few weeks ago was discovered to be open, and that is causing a safety concern for students and teachers. What was the answer from the Minister for Education about a school that services his own electorate? 'We were left a basket case.' Minister, it takes only 2 minutes to come across the border and visit Emerald Secondary College. It would take you hardly any time at all to come and meet principal Jodie Doble and the students there and to understand the concerns that have been raised at that school and how

they need to be fixed. To offer \$500 000 in maintenance was simply a joke when what you needed to do was actually put \$5 million on the table to rebuild the facility to ensure the students have a safe environment.

Michael Gordon

Mr McGUIRE (Broadmeadows) (15:54) — Michael Gordon gave voice to people rarely heard and people without power. The former political editor of the *Age* was insightful and authentic. His peers honoured his dedication with the highest accolade, the 2017 Walkley Award for Most Outstanding Contribution to Journalism. The citation noted:

The overwhelming impression Gordon left — with both his by-line and his presence — was of decency, integrity, fairness and balance. Even when he was working at the epicentre of influence, he held himself outside the media pack. And his compassion shone through as he fought to give voice to the underdogs. He was the first Australian journalist to gain access to the detention centre on Nauru; he spent time in remote communities listening to our first peoples, and won a Walkley for his coverage of Indigenous affairs in 2003.

Son of newspaper legend Harry Gordon, Michael persuaded by fact and evidence rather than dismissing with scorn. He could be critical but was not cruel. This was how Michael earned credibility and defined himself. Sir Gus Nossal observed:

Michael's journalism carries messages of hope and optimism without underestimating the scale of problems and challenges.

News, like politics, never sleeps. Retiring from the daily churn, Michael was enjoying new challenges when he died in the surf he cherished. My condolences go to his wife Robyn and children, Scott and Sarah. Michael Gordon's legacy is he made journalism matter.

Ronald Joseph Walker, AC, CBE

Ms ASHER (Brighton) (15:56) — I wish to pay tribute to Ron Walker. I was Minister for Tourism and Major Events when Ron was chairman of the Australian Grand Prix Corporation. I worked very closely with Ron from 1996 to 1999 and from 2010 to 2014. In my capacity as Minister for Innovation in the last term of government that the coalition enjoyed, I worked closely with Ron over issues such as medical research, in which he was interested well in advance of contracting cancer himself. He was a man who was devoted to Victoria. He worked tirelessly without payment to advance Victoria's cause. He will be sadly missed.

Federation Square

Ms ASHER — I was a member of the cabinet subcommittee which had an oversight of the Federation Square project, and I was also the minister responsible for that project from 2010 to 2014. I am very disappointed that the Labor Party is progressing down the track of changing the design of Federation Square, a very important public space. In my view they have sold out to an American commercial interest. I am in favour of commercial operations at Federation Square, but I think this project is incompatible with the public purposes of Federation Square. This is meant to be Victoria's civic space for Victorians and visitors, and I would urge the Labor Party to reconsider what I think is a very bad decision.

Emergency services

Ms KILKENNY (Carrum) (15:57) — On Saturday, 6 January 2018, at around 2.30 p.m. on a day of total fire ban, a fire burnt through 29 hectares of The Pines Flora and Fauna Reserve and private land in Carrum Downs, leaving one home uninhabitable and damaging other properties. The temperature was 41 degrees. The fire was intense, burning through coastal heathland. Smoke, embers and flames impacted residents, including those along Darnley Drive, Blue Wren Rise and Flora Park Way. Homes were being impacted within half an hour of the fire starting, so response times were absolutely critical, and I am so proud to say that all of our emergency services and agencies were absolutely up to the task.

Around 300 firefighters and 28 units, including eight aircraft, responded, containing the fire in about 5 hours. Crews from Skye fire brigade, Carrum Downs fire brigade and Patterson River fire brigade — my local brigades — were on the ground and did an absolutely incredible job. I want to commend them for their outstanding work in protecting the local community. I have heard only praise from local residents for the commitment and bravery shown by them during what was a very frightening afternoon. They were joined by other Country Fire Authority (CFA) brigades, including Frankston and Langwarrin, and Metropolitan Fire Brigade brigades, as well as firefighters from Forest Fire Management Victoria and crews with Ambulance Victoria and Victoria Police.

This was an exercise in coordination, cooperation and commitment. It shows too why this government invests in our CFA and emergency services and provides important funding and resources, more jobs, new fire trucks and tankers and new fire stations. We do not cut CFA funding like the coalition, who when they had the

opportunity to show their support for our CFA instead ripped out \$66 million in CFA funding.

Privatisation policy

Mr HIBBINS (Pahran) (15:59) — It is time to turn the page on the era of privatisation and neoliberalism in Victoria. For the past 25 years Victorian governments have been privatising public assets like energy, transport, the training sector, social services and even prisons. The current government has sold off the port of Melbourne. Now they want to sell off the land titles office, public housing estates, disability group homes and even Federation Square. And what have we got for it? An energy system that is broken, a public transport system that cannot cope with demand, a TAFE and training sector trashed by dodgy private providers, public housing run-down and now being sold off, inequality rising and wage growth low.

I am glad the Premier has finally realised privatising energy was a bad idea. Now he needs to end his sell-off agenda and this failed ideology. Yes, we need to restore public ownership of our energy system. Yes, we need to put public transport back in public hands. Yes, we need a massive investment in public housing, not a sell-off. We need essential services back in public hands, running for the public good for the public interest.

Australia Day awards

Ms GREEN (Yan Yean) (16:01) — I would like to pay tribute to those from my electorate who were honoured in Australia Day honours. Johannes Chitty received an OAM for services to parachuting. He has done many things over many decades, including co-authoring a medical journal article entitled *Forensic Analysis of Parachute Deaths*, and it has really contributed to amazing safety improvements in this adventurous sport. Marilyn McQualter of Whittlesea was awarded an OAM for service to the community of Whittlesea in groups too many to mention. Nillumbik's longest serving councillor and twice mayor and Australian Local Government Women's Association state president, Helen Coleman, received a Jagajaga Australia Day award from Jenny Macklin.

I was pleased to attend the Nillumbik Australia Day awards and see a great friend of mine and netball champion Susan Taylor, who also lives in Doreen, become Citizen of the Year. Young Citizen of the Year was also a Doreen resident, Emily Jetten, who founded the Feel Good Ethical Market in Diamond Creek. The Senior Citizen of the Year was John Chenhall, an RSL stalwart. It is just amazing that he got this award. Men's shed powerhouses Leigh Marshall and Jim Gundrum

shared the Volunteer of the Year award. Congratulations to all.

Wire rope barriers

Mr T. BULL (Gippsland East) (16:01) — I want to take issue with the Minister for Roads and Road Safety's comments in describing local emergency services workers who have raised concerns about the wire rope barrier installation as banjo-playing conspiracy theorists and dingbats. This included the Country Fire Authority's (CFA) deputy chief fire officer, Trevor Owen, who in the same week raised concerns over the wire rope barrier installation. The issue is not around their safety as it is clear that in appropriate locations they provide a higher level of safety; it is around the rushed manner of the installation and that it is proceeding without discussions with locals and emergency services. It is a shame the minister has no respect for the paramedics and CFA volunteers who have raised their concerns. They do not deserve these comments from him, and he should apologise.

Australia Day awards

Mr T. BULL — Congratulations to the locals who received awards at the Australia Day ceremonies, particularly Gerry Ciavarella, Jack Peterson, Aislin Jones and the team from Mallacoota's winter 'Saltstice' festival, who received East Gippsland shire-wide recognition. In the Wellington shire, Stratford's Steve Pendrick and Heyfield's Thomas Crosbie along with the organisers of the Sale to Sea kayak challenge were honoured.

Far Out Fishing Charters

Mr T. BULL — I wish to congratulate the Far Out Fishing Charters crew on their swift rescue of two men off Lakes Entrance on Sunday evening. In a strong run-out tide, the kayakers were taken out the entrance. Had it not been for the quick response from the Far Out Fishing Charters crew, the result would have almost certainly been disastrous. Their quick thinking and quick action is to be commended.

Lakes Entrance parkrun

Mr T. BULL — Also a very quick well done to Lakes Entrance parkrun organisers. Congratulations to Hayley Cowie for a great weekend.

Beamaris Secondary College

Mr RICHARDSON (Mordialloc) (16:03) — It was a pleasure to last week join with the wonderful community of Beamaris Secondary College, a school

that the Andrews Labor government saved entirely and the site of which has been used as a 7–12 standalone school. It was of course the former Leader of the Opposition, the Premier today, who stood there in 2013 and pledged to save this school. A \$20 million investment has seen this fantastic school —

Mr Thompson — On a point of order, Acting Speaker, the member for Mordialloc has misled the house. At the last state election the coalition committed some \$7 million to an ongoing role for the Beamaris High School campus —

The ACTING SPEAKER (Ms Graley) — No, there is no point of order there.

Mr Thompson — and the co-investment of \$15 million or so by the Melbourne Cricket Club. I welcome the reinvestment in the school.

The ACTING SPEAKER (Ms Graley) — There is no point of order. Please sit down.

Mr RICHARDSON — We have a pulse from the member for Sandringham! The member for Sandringham is absolutely misleading the house.

The Andrews Labor government saved this school as a 7–12. All the parents and all of the teachers were celebrating the school's achievements with this government because we saved this site and we support the students and protect those students.

Mr Thompson — On a point of order, Acting Speaker, the member for Mordialloc has again misled the house. I invite him to review the coalition's commitment to the Beamaris High School site in 2014.

Prison capacity

Mr WELLS (Rowville) (16:05) — This statement condemns Labor's rushed and desperate announcement that they will extend prison facilities at Lara. The announcement of Labor's fourth Minister for Corrections, Gayle Tierney, seems to have been written on the back of an envelope. The minister could not say how much the prison extension would cost, how much was budgeted for the project, where the money was coming from, when the project would be built or even how many actual prison beds an extension would provide. Nor could the minister provide any information about the acquisition of land needed for the project. Like residents in Werribee, people in Lara have had this announcement dumped on them without any detail to go on.

Minister Tierney said in her announcement:

... we're planning for that growth now.

She also said:

Planning for growth in the prison population is what good governments do.

However, back in 2015 the Andrews government were warned by Ombudsman Deborah Glass that Victorian prisons would reach maximum capacity by 2019, even with the opening of the 1000 new beds at the coalition-funded Ravenhall prison. When the coalition signed the \$670 million Ravenhall contracts in 2014, Minister Tierney was deeply critical of the coalition for spending money on new prisons. This did not stop the minister describing her great pleasure and delight when she opened Ravenhall last year.

Victorians are outraged by lenient prison sentences that are sometimes less than half those in New South Wales.

Frankston youth services

Mr EDBROOKE (Frankston) (16:06) — Last week the Andrews Labor government announced funding of \$256 000 for our Frankston youth to help them reach their full potential. Thank you to the minister in the other place, Jenny Mikakos, MP, for meeting with the wonderful Frankston Youth Council to announce \$12.3 million statewide for Engage! grants for 2018–20, including, as I said, that \$256 000 in grants for Frankston. That includes \$120 000 for SalvoCare Eastern youth services to run their eight-week trades and life skills programs for 15 to 21-year-olds who are at risk of long-term unemployment.

You have really got to hand it to a minister who comes to the workplace of people who have just started their jobs to personally welcome them into their new employment. Thank you, Jenny. You came and welcomed 20 new child protection workers into Frankston, and this is of course part of the Labor government's \$72.2 million investment in this area.

Australia Day awards

Mr EDBROOKE — Australia Day was a great day to welcome 96 new citizens to our vibrant Frankston community at the Frankston City Council citizenship ceremony. Congratulations to our 2018 award winners, including Frankston City Citizen of the Year, Cheryl Myers; Frankston City Senior Citizen of the Year, Hilary Poad; and Frankston City Young Citizen of the Year, Eilis Peters. I wish all our new citizens a prosperous future.

Queen's Baton Relay

Mr EDBROOKE — The Queen's Baton Relay is in Frankston this weekend. Thirty years after her sensational gold medal win, Frankston is delighted to cheer on Debbie Flintoff-King again. The gold medallist is just one of the incredible baton-bearers who will be making history on 11 February when she carries the Queen's baton through Frankston.

Australia Day awards

Mrs FYFFE (Evelyn) (16:08) — It was a pleasure to once again be involved in this year's Australia Day celebrations. It is a day that acknowledges the original inhabitants and celebrates the contributions of people from more than 240 countries who have peacefully settled here and are working hard to make Australia the envy of the world. Early in the morning I attended an Australia Day breakfast at Wandin public hall before heading off to the Yarra Ranges Shire Council Australia Day citizenship and community awards. Maximum crowds attended a Wandin Rotary's breakfast, testament to the welcoming good humour and delicious food. All joined in with gusto to sing the national anthem and toast Australia. It was a pleasure to witness Valmae Gaudion receive the well-deserved Rotary community services award. Congratulations to Wandin Rotary, who are fantastic volunteers in our community, on providing another terrific Australia Day event.

Congratulations to Mount Evelyn resident Jill Ludwell, who was included on the illustrious Australia Day honours list for 2018. She has been acknowledged for her influence and many years of service to the conveyancing profession, receiving a Medal of the Order of Australia.

Alan Murphy

Mr PEARSON (Essendon) (16:09) — I rise to congratulate Alan Murphy, who received a Medal of the Order of Australia in the Australia Day honours. Alan is the closest thing to royalty that Essendon has produced, and his previous long-running newspaper column, 'Murphy's Law', was a must read for anyone interested in local news in Essendon. Alan is incredibly fortunate to be supported by his wife, Jan, and together they make a great team. Alan, on behalf of Nicole and myself, congratulations. I could not imagine a more worthy recipient.

African-Australian community

Mr PEARSON — Many times I have risen in this place to place on the record my thanks for the

magnificent contribution the African-Australian communities make every single day in my electorate. There have been many comments over the course of the summer recess about the alleged offences of representatives from these communities. While I cannot comment on specific cases, all I can ask of all of us is that we not condemn an entire continent for the actions of a few. All I can do as a member of this place is pledge that every day I will work to ensure that African-Australian children start school on an equal footing to their peers; that if they live in public housing, it is safe, clean and modern housing; that they go to the very best state schools; that they have the opportunity to study at university or TAFE; and that at the end of this journey there is a well-paying and secure job waiting for them. Every day I am working to ensure that African-Australians have the opportunity for meaningful economic and political participation in Australia. How many of you are prepared to join me in this noble cause?

I know that those opposite have no interest, because if they form government after the next state election, they will cut initiatives like the education maintenance allowance, they will cut the school breakfast clubs program, they will cut schools, they will cut TAFE.

Government performance

Ms RYALL (Ringwood) (16:11) — Victorians have a choice come November this year: a choice between Victoria's backward slide under the Premier and a clear plan of leadership under the Liberal-Nationals — a plan to restore confidence and pride in our state; to take Victorians forward and not ride roughshod over them as this government has done; to put Victorians first for a change and treat them with respect rather than the bullying we have seen and witnessed from this government; to make sure our justice system reflects community expectations; to offer real solutions to deal with those issues that Victorians worry about, like escalating violence, the out-of-control cost of living, the massive congestion on our roads; and to end the war on our Country Fire Authority volunteers.

Over the Christmas period, while the leaders of this government all went on holidays at the same time, Victorians wanted and needed leadership — they were facing shocking crime — and it was the Liberal-Nationals that provided it. It was the Liberal-Nationals who were out leading on the policy front to deal with the reality of what Victorians were experiencing and feeling, the reality that this government will not acknowledge.

The Premier will not acknowledge the crime crisis. He will not acknowledge the high cost of living Victorians are battling with or that our roads are so congested that they take away valuable time from families and friends. He will not acknowledge that he has forced up the cost of living for every household, every hospital and every school and community organisation. He will not acknowledge or accept the reality of everyday Victorians.

Fairy Hills Kindergarten

Mr CARBINES (Ivanhoe) (16:12) — Fairy Hills Kindergarten was built in 1954 with one playroom and had a second playroom added several years ago. The facility is not designed to support children with physical disabilities to participate in indoor-outdoor play. A child of a long-term local family who is wheelchair bound is enrolled for 2019. The child's access needs have highlighted the lack of an all-abilities kindergarten to support children of all abilities to experience and access the same educational start to a lifelong learning journey in my Ivanhoe electorate.

I was pleased to confirm that my representations to the Minister for Early Childhood Education, the Honourable Jenny Mikakos, MLC, on behalf of the parents and committee of Fairy Hills Kindergarten and the Banyule Disability and Inclusion Advisory Committee, has been successful in securing a \$350 000 grant as part of the Andrews government's \$18 million in capital funding provided through the children's facilities capital program.

Fairy Hills Kindergarten in Ivanhoe is one of 28 projects across Victoria to share in funding from the Andrews Labor government. A further \$100 000 is required to complete the capital works at Fairy Hills, and I am working closely with Banyule City Council to secure those remaining funds in its upcoming budget. I have been advised that works will begin immediately regardless to make sure that we will be ready in 2019 to cater for wheelchair-bound enrollees at Fairy Hills Kindergarten.

Our daughter concluded her kindergarten experience last year. We know the value of early years education. The Liberal Party cut the Take a Break program by \$1.9 million. Shame on them for the cuts to occasional care programs.

Life Saving Victoria

Mr THOMPSON (Sandringham) (16:14) — In the 2016–17 Life Saving Victoria annual report, *Partnering for Success*, there are a number of statistics which I

think are important to take on board: 45 people lost their lives by drowning, which was a 20 per cent increase on the 10-year average; 32 per cent of fatal drownings occurred in bay, beach and ocean waters; 74 per cent of people that drowned in boating incidents were not wearing a life jacket; and 20 per cent of drowning deaths in 2016–17 involved alcohol.

In terms of the great work undertaken by Life Saving Victoria, the organisation had 33 159 volunteer members, they undertook 519 rescues and 1655 first-aid incidents were addressed. There were 10 825 nippers in the 2016–17 season, and 2462 public training courses and workshops were held. I pay tribute to the members of Life Saving Victoria and club leaders in the local Sandringham electorate.

Southmoor Primary School

Mr STAIKOS (Bentleigh) (16:15) — During these recent school holidays the Andrews Labor government completed a \$2.5 million upgrade of Southmoor Primary School, a fantastic upgrade that involved a number of permanent modular buildings which were manufactured in Dandenong and installed at the school in just 12 days. In doing so, we managed to provide a brand-new prep wing and a brand-new art room, which will serve the school community well for many years into the future.

Mr Wells — On a point of order, Acting Speaker, out of respect, I have waited until the end of members statements.

The ACTING SPEAKER (Ms Graley) — I appreciate that.

Mr Wells — The member for Sandringham was on his feet for some time calling for a point of order. It is my understanding that if a member is on his or her feet, they can call for a point of order. You refused to accept it for some time. I am wondering if you could clarify why that situation occurred, because it would be difficult for the Chair to anticipate what the member's point of order was actually going to be.

The ACTING SPEAKER (Ms Graley) — I will just take some advice from the clerks. I thank the member for Rowville for the point of order.

The member for Sandringham, I initially did not see you. I apologise for that. Then I was made aware that you were calling for a point of order. I was under the impression that points of order are not called during members statements, so I sought clarification from the clerks. I was advised that they are, and I then called you to make your point of order.

JUSTICE LEGISLATION AMENDMENT (VICTIMS) BILL 2017

Second reading

Debate resumed from 13 December 2017; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) (16:18) — I am pleased to rise and speak this afternoon on the Justice Legislation Amendment (Victims) Bill 2017. It is of course a bill which covers a range of different matters and brings them all together in the one bill. I can say at the outset that we will not be opposing the bill. For the most part, the bill reflects recommendations which are largely non-contentious out of work that the Victorian Law Reform Commission has undertaken, that the Betrayal of Trust inquiry undertook and that also the Royal Commission into Institutional Responses to Child Sexual Abuse undertook in its work, which it concluded last year.

The bill is aimed predominantly at victims and their experience in particularly the trial process, but it also touches upon some other matters which I will address in general terms during the course of my remarks. I will address the issues that I wish to talk about in the order in which they appear in the bill.

The first matter that I want to talk about comes under part 2 of the bill, which deals with sexual offences and forensic information, in particular clause 4 of the bill, which is headed 'Effect of intoxication on reasonable belief'. The purpose of this clause is to insert a provision that provides some cover to eligible defendants where medicinal cannabis has had an effect on reasonable belief. I make these comments not as a signal of any opposition to what is proposed because, as I have said, we are not opposing this bill at all. I just wanted to flag for the government the need to ensure that this provision does not operate more widely than, say, drugs that are prescribed by a registered medical practitioner. We know that under section 36B of the Crimes Act 1958 there are a range of circumstances which relate to the effect of intoxication where it is self-induced. It provides that a self-induced state will not disqualify somebody from the defence, as it were, if a person has consumed a prescribed drug in accordance with a prescription from a registered medical practitioner. That language in relation to prescribed medication is very tight.

I just wish to flag a cautionary note for the government in relation to medicinal cannabis, because the operation of the proposed subclause (ca), which clause 4 will insert into section 36B(2) of the Crimes Act, appears to be looser language than that which applies to prescribed

substances. We know that in relation to section 36B(2)(c), it will apply to somebody who has used a form of medication in accordance with the direction of a person who prescribed it. So it is very tight. The language that is proposed in clause 4 is not as tight, although its purpose may be identical. I can foresee some circumstances where there might be a dispute in a trial over whether somebody's use of medicinal cannabis was in accordance with the purposes for which a patient medicinal cannabis access authorisation was executed. I just urge the government, in relation to this, to keep an eye out for whether there are any cases, or even likely cases, where the absence of that precise language may have a dispositive effect in a trial. But as I said, we do not oppose it and we think it serves a desirable purpose to clarify that section 36B of the Crimes Act will apply to somebody who consumes medicinal cannabis in circumstances where that affects reasonable belief for the purposes of any offences under that section.

The next section I want to address relates to juvenile records in relation to fingerprints and other samples such as DNA samples. I just wish to flag that we do support this. We think that it is important in some circumstances to retain more information than is currently retained in relation to serious forms of juvenile offending, in that it may be important to retain it for any later contingencies. I note that clauses 8 and 9 of the bill, for example, which deal with juvenile records and forensic information from juveniles are, in our view, tight in language, which we find acceptable. But it does point to the need more broadly to start looking at the interaction between serious juvenile offending and the adult jurisdiction. We generally are looking at opportunities to ensure that what we see as a particular crisis in youth offending is being greeted with reasonable measures to ensure that that serious level of offending — for example, here we are talking about a level 4 offence, which carries a 15-year maximum, a very serious offence — does involve some more serious consequences for those who might engage in that very serious and violent behaviour.

Moving through the bill, next I just want to address the issue of publications. As we know, under the Children, Youth and Families Act 2005 there are very strict obligations in relation to the publication of details. We saw last year some cases which were profiled in the media, where victims of crimes committed by juveniles were unable to talk about their searing experiences. It is their call, of course, if the victim decides whether they wish to discuss their personal circumstances in the media, but currently the law does not allow that when the crime has been committed by a juvenile. We think

that is unfair, and I said that on behalf of the coalition at the time.

We are pleased to see that although in our view it does not match what we have committed to do in terms of relaxing a number of the publication provisions — I will say a bit about that in a moment — it does allow for the publication of a report of a proceeding in the criminal division of the court, which is the Children's Court, that contains particulars likely to lead to the identification of a witness in the proceeding if the witness is a victim or alleged victim and is or above the age of 18 years at the time of publication. It has in there some safeguards that will not identify a particular venue of the Children's Court and that will not identify a child or other party to the proceeding or a witness in the proceeding, other than a witness who is wanting to disclose their own particulars. So it cannot be invoked by a juvenile; it can only be invoked by an adult. We think that is appropriate at this stage. And it has some other safeguards, which I have mentioned.

We are concerned that the government is not moving more broadly on relaxing some of the publication provisions when you have circumstances arising under the Children, Youth and Families Act. We announced in late 2016 and further in 2017 that if we are elected later this year, we will change the Children, Youth and Families Act to allow publication of details, for example, that would identify a serial violent offender who is a juvenile. Let us say, for a 17-year-old who is committing serious violent crimes, we think the public has a right to know. Now, that will not be an unencumbered right to publish material, but the act would be amended, if we were to be elected, to ensure that although the court has and retains overall oversight of the provisions, the tenor of the legislation would be geared more favourably towards publication in those circumstances.

We have also announced that we will amend the act so that where an adult goes on to commit serious crimes, in circumstances where that person has committed serious offences as a juvenile, that prior history will be available for publication again in certain and regulated circumstances, but as with the other provisions we will not oppose those sections.

New part 8.2A, 'Ground rules hearings and intermediaries', deals with perhaps a more significant part of what the bill is looking to do. It proposes the introduction of ground rules hearings which are about the court convening hearings of the parties to organise beforehand matters around the giving of evidence and the way the trial will be conducted, particularly where you are likely to have witnesses who are under the age

of 18 or who are suffering from a cognitive impairment of one form or another. Those measures couple with the use of intermediaries. They arise out of recommendations of the Victorian Law Reform Commission, and I accept that there is broad support for these, and we support them. But as with the issue around intoxication where medicinal cannabis is concerned, I just want to flag that I can foresee some logistical difficulties where the use of ground rules hearings and intermediaries could cross over boundaries that might potentially interfere with the conduct of a party's case, and that needs to be observed very closely.

Again, I am saying this not in opposition to the bill, because we support it, but it could operate in a way which could adversely affect one party, whoever that might be. For example, in the case of intermediaries, as the government's supporting materials to the bill note, they are not an advocate and they are not the interpreter; they are there to assist the giving of evidence. That is highly desirable, but it comes with the risk that in doing that there is potential tension between the formally retained advocates for parties in proceedings and how an intermediary interacts with the witness, either at the police interview stage or in the giving of formal evidence during trial. It is readily foreseeable that there could be disputes and probably will be disputes between legal counsel for either party or parties on how those intermediaries act and also with the ground rules hearings.

So, as with the matters I addressed earlier, it is going to be really important to watch how these operate in practice. We all want to achieve the same thing: we all want victims and in particular witnesses who are under the age of 18 or suffering from a cognitive impairment to be able to participate meaningfully in the trial process, but that then comes with, I think, a real determination to ensure that it does not adversely prejudice the interests of any party in those proceedings. That is going to be a not insignificant objective in these provisions, but we support them and we support their purpose.

I should note as part of this that the ground rules changes do affect the rule in *Browne v. Dunn*, and not everyone will be happy with this. As I said, we do support this measure. The rule in *Browne v. Dunn* in very simplistic terms is about requiring a party who intends to call a witness or to raise at some point during the trial, through evidence, an adverse matter to take the opportunity to put that to the party that would be adversely affected by that tendering of evidence. That has been a longstanding rule and very much a part of our justice system forever, and this will change

that. So it is going to be very important to note that this could come — if it is not managed well — at the risk of some prejudice. It is not about whether the change should be introduced; it is more about how we are going to manage the introduction of this change, given that everybody is familiar with this rule and it is going to mean a fairly significant change to the way we conduct trials.

One matter I did want to note in relation to intermediaries is that I think it is really important that the people who are appointed as intermediaries have the appropriate mix of credentials and skills — that they understand the very delicate interaction and relationship between assisting a witness and not interfering with the trial process itself. I note that proposed section 389H provides for a panel of intermediaries. It provides that:

- (1) The Secretary of the Department of Justice and Regulation must establish a panel of persons who the Secretary is satisfied are suitable persons to be appointed as intermediaries.
- (2) A person must not be on the panel unless the person—
 - (a) has a tertiary qualification in psychology, social work, speech pathology or occupational therapy; or
 - (b) has other prescribed qualifications, training experience or skills.

The qualifications and skills referred to in paragraph (a) do not trouble me so much. In terms of 'other prescribed qualifications' in paragraph (b), they are anything that the government may wish to prescribe, and that does carry with it some risk that we could add to that list of people whose skills do not quite achieve what we want to achieve through these changes. So I think the nature and skill of intermediaries will be tested in this process, and it is just really important to have the right mix of skills on that panel. I have already mentioned that it should be very clear to intermediaries that they are not there to be advocates in a cause.

I now wish to move to amendments proposed to the Sentencing Act in relation to previous good character. We strongly support this measure, so we are at one with the government on this. This arose out of the royal commission into child abuse, and none of us would ever countenance anyone who was in a position to exploit their status in the community or in an institution for the purposes of abusing children, sexually or otherwise, and then to rely on that supposed good character in the mitigation of a sentence. We think it is wholly appropriate that courts should not be able to consider previous good character where that good character has enabled the commission of such heinous crimes in our community. We strongly support that one too.

Turning now and finally to the government's proposal to amend the Victims of Crime Assistance Act 1996. Out of the Betrayal of Trust inquiry came a recommendation that the limitations which beset victims on the path towards compensation should be removed as far as possible. I think we all share that objective. No-one should have to live with what was done to them without having access to a scheme of compensation that can at least alleviate some of the financial and other burdens that they suffer and continue to suffer from. The government is proposing that the two-year time limit for victims who suffered at the hands of an abuser when under the age of 18 should be removed, and we think that is entirely appropriate and we strongly support it.

I should say that you may be aware, Acting Speaker, that the opposition has made a series of announcements in relation to victim support and we propose to dismantle as far as possible a range of time limitations that confront victims. We know that victims are often not in a position to turn their minds to the opportunities to obtain compensation. For many victims that is the last thing that will come to their mind. They are trying to deal with the fallout from a brutal, traumatic experience and often they only come to the realisation of the opportunities for this through the intervention of others who might advise and alert them to these opportunities. But they take a good deal of time to even turn their minds to seeking assistance. Many victims do find themselves on the wrong side of limitation periods, so we have announced a range of measures which will make it easier for victims to seek compensation, even if they are out of time, by extending the time periods. We will not limit our commitments to victims as much as this bill from the government does, but that said, this change will make it easier for many victims. It is consistent with a Betrayal of Trust inquiry recommendation and we think it is wholly appropriate that it be supported.

That concludes my remarks on the bill. As I said, we are not opposing it and we think that these measures will certainly assist victims in the criminal trial process.

Ms KNIGHT (Wendouree) (16:37) — I am pleased to speak on the Justice Legislation Amendment (Victims) Bill 2017. This bill contains some really important changes that are relevant to all parts of Victoria. Unfortunately any bill that responds to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, or in fact the inquiry into the handling of child abuse by religious and other non-government organisations, the *Betrayal of Trust* report, has a particular relevance to

my home city of Ballarat. I will confine my contribution today to just a couple of areas of the bill.

One part of this bill that I want to discuss in some detail is the removal of good character considerations in sentencing child sex offenders. The bill details that in sentencing an adult offender:

... for a child sexual offence, a court must not have regard to the offender's previous good character or lack of previous findings of guilt or convictions if the court is satisfied the offender's previous good character or lack of previous findings of guilt or convictions was of assistance to the offender in the commission of the offence.

I think this change is critically important and will better deliver justice in Victoria. As the member for Hawthorn clearly articulated, for a person who used their previous good character to assist in the commission of a child sexual offence to then claim that their previous good character should be considered in sentencing is just perverse. It is wrong that the very thing that assisted an offender to commit a child sexual offence, in this case a perception of good character, could be taken into account in sentencing. The very tool they used to manipulate — that is, their good character — should not be used as a mitigating factor in sentencing.

It is also a terrible slap in the face to victims of a child sexual offence for the offender to make any claim whatsoever to having a previous good character. I cannot even imagine what it must be like for a victim survivor to hear a submission as to the good character of the person who offended against them. The *Betrayal of Trust* report provides valuable context to this part of the bill before us, and I just want to quote from it:

Religious and non-government organisations that provide care to children traditionally have been held in high esteem, with its representatives being trusted and respected members of the community. In these environments, children were made vulnerable to criminal child abuse in the following ways:

The environment in which the child was living in the institution or boarding school was such that opportunity to criminally abuse children arose with no adult to whom a child could complain.

In some circumstances, there was the opportunity for perpetrators to ingratiate themselves with families, ensuring access to the children.

The experiences of victims reveal that in both instances perpetrators were able to take advantage of their revered position and ensure that victims either did not reveal their abuse or were not believed when they attempted to do so.

The report goes on to say that the systematic nature of such abuse in the Ballarat diocese was undeniable. Therefore this matter has real importance to my

community, where clergy and other religious members used their supposed good character to prey on children.

I also want to address the introduction of intermediaries into the justice system to facilitate communication with vulnerable witnesses. The Royal Commission into Institutional Responses to Child Sexual Abuse recommended in its *Criminal Justice* report that intermediaries be introduced by all states. The royal commission's report picks up on the fact that Victoria was already on the way to introducing a scheme where intermediaries assist vulnerable witnesses. The most recent state budget funded a pilot program for intermediaries and this bill provides the framework within which intermediaries will operate.

Intermediaries will be independent and will be required to have a tertiary qualification in psychology, social work, speech pathology or occupational therapy or some other prescribed qualification, training or skills. The role of intermediaries will be to facilitate communication between an under-age person or a person with a cognitive impairment and someone who is questioning them. This bill sets out the role of intermediaries: explaining to a witness the questions asked of them to enable those questions to be understood, and explaining the witness's response to the questioner so the answer can be understood. Importantly, the bill provides that:

An intermediary is an officer of the court and has a duty to act impartially when assisting communication with the witness.

Accompanying the introduction of intermediaries will be ground rules hearings that will be required where an intermediary is appointed, or in other circumstances determined by a court. The lawyers acting for the prosecution and the accused must attend, and if the accused is not represented, they must attend themselves. The appointed intermediary is also required to attend a ground rules hearing. The hearing can bring a vulnerable witness's communication capacity to the attention of lawyers and judicial officers. The ground rules hearing may make or vary any direction for the fair and efficient conduct of the proceeding. This can go to the manner and length of questioning of a vulnerable witness.

The Attorney-General in his second-reading speech spoke of intermediaries and ground rules hearings as facilitating a 'less stressful experience for the witness and a more efficient trial'. Of course I am in favour of a court's time being used efficiently and in witnesses being able to give complete, coherent and accurate evidence. However, I am especially pleased that the Attorney-General mentioned the stress on witnesses.

I have previously worked at the Ballarat Centre Against Sexual Assault (CASA) as well as at WestCASA and have seen the damage that sexual offending does to a person. I can only imagine the additional difficulty a child or a person with a cognitive impairment could have understanding questioning or having their evidence understood. In both of those CASAs we of course also saw children as well as adults who have various disabilities.

When witnesses to terrible events, and particularly victim survivors, give evidence, it is an immensely difficult thing. Any person who saw victim survivors give evidence to the parliamentary inquiry into the handling of child abuse by religious and other organisations or to the royal commission could see the toll it took on those people. I was privileged to support someone through the inquiry process and indeed saw again firsthand the trauma that played out not only to the immediate victim but also to the entire family and in fact out to the community as well. If intermediaries help to facilitate the communication of a witness's evidence so that evidence, as the Attorney-General said, is as complete, coherent and accurate as possible, it will indeed help to bring offenders to justice. Anything that reduces the toll on victims who are giving evidence to a court, while maintaining important protections in our justice system, absolutely has my full support.

I just want to quickly mention the provisions in the bill that will remove the requirement that victims must make a victims of crime application within two years of the crime. This is important because disclosing child sexual abuse is an enormously difficult thing for victim survivors, and disclosure is most likely to happen years after the abuse. The difficulty for victim survivors disclosing their abuse was addressed by the royal commission, and I quote:

One of the most common barriers to disclosure we heard about in private sessions, which is also supported by research, was shame or embarrassment. These feelings can overwhelm a victim and have a silencing effect that can last for many years or decades. Of survivors who told us about disclosure during their private session, feeling ashamed and embarrassed was more common for survivors who told us they had disclosed in adulthood ... than those who told us they had disclosed in childhood ...

When these feelings of shame overwhelm a victim, it is hardly surprising that reporting often occurs years after the abuse. The current two-year time limit is unfair and inappropriate, particularly considering the pattern of disclosure of child sexual abuse.

I want to thank the Attorney-General for his genuine commitment to the victims of historical sexual abuse and note that there is support for this bill across the

chamber. I want to quickly thank Ballarat CASA, all the agencies that support victim survivors and people like Professor Caroline Taylor who support and resource victim survivors.

Ms KEALY (Lowan) (16:47) — It is a great privilege to rise today to speak on the Justice Legislation Amendment (Victims) Bill 2017. Again in this place we are speaking of important changes to legislation, particularly looking at how we can improve the legislative framework to protect younger people who are victims of sexual abuse.

It is always difficult to talk about the instances that lead to the need to change legislation, and at this point I would like to acknowledge the parliamentarians who were part of the Betrayal of Trust inquiry, which took place in the last Liberal and Nationals government and led to so many recommendations which will improve the legislative framework and security for our younger people, particularly around child abuse and particularly within institutions.

I would like to acknowledge the good work of my parliamentary colleagues Georgie Crozier in the other place, former Nationals representative for Western Victoria Region David O'Brien and the member for Ferntree Gully, who was in the chamber only a couple of minutes ago — he is coming back to speak on this bill, I understand. I have spoken extensively to these MPs about the harrowing stories they heard during the Betrayal of Trust inquiry. It is certainly shocking, I think, at any level to think that this type of abuse has been happening within Victoria, within our communities, but we know that it has been happening. Unfortunately it will continue to occur, but through legislation such as this we hope that there will be a tighter framework and that there will be sufficient safeguards to ensure that we pick it up quickly if it does occur but mostly to ensure that it does not occur and that young people's lives are not permanently destroyed through the actions of older people, sometimes in positions of authority, who prey on some of the most vulnerable people within our community.

I also would like to acknowledge the Victorian Law Reform Commission and the Royal Commission into Institutional Responses to Child Sexual Abuse for their extensive work to provide recommendations which will provide a safer Victoria for younger people and ensure that they are not sexually abused.

This bill will amend the Crimes Act 1958 in relation to sexual offences and the destruction of fingerprints and DNA samples from children. It also amends the Sentencing Act 1991 in relation to child sexual

offences, the Criminal Procedure Act 2009 to provide ground rules hearings and to provide for intermediaries and the Victims of Crime Assistance Act 1996 to remove the two-year limitation period for childhood victims of sexual and violent offences to make an application.

There are very strong provisions in this bill, but we also have some concerns around the wording of the clauses, which could be interpreted as being too loose and may require a stronger position or definition to ensure that we can efficiently protect younger people who have been sexually abused. We also would like some elements in the legislation to go further, and I would like to take the opportunity to go into detail around that.

The main area of concern with this legislation is within clause 4, which is in relation to determining the effect of intoxication on reasonable belief, specifically in relation to the medicinal cannabis legislation which was taken through Parliament last year. We want to make sure that there is absolutely no leeway and ability for people to falsely use as a defence that they have self-induced intoxication due to the use of medicinal cannabis. I think we need to make sure that this is really, really tight, because we will have a number of people who we assume will be able to access medicinal cannabis in the state of Victoria in the near future.

There is not a clear link that would put prescribed medicinal cannabis in the same line as other pharmaceutically prescribed drugs. For example, there is no requirement for an individual to have proved that they have taken an authorised medicine — being medicinal cannabis — in accordance with the pharmaceutical recommendations; for example, that they took the correct dose in the correct regime, which therefore would show that they are within a recommended level of influence of cannabis. That needs to be tightened up because I would hate to think that we have somebody who has been accused of and charged with a sexual offence who then can use self-induced intoxication of medicinal cannabis to get out of that charge or to perhaps reduce their sentence if they are found guilty.

This is a very important element of the bill. It is important that we do get this right because if somebody did, for example, use this defence which resulted in them not being charged, that obviously would be a devastating result for the victim in that instance.

We do strongly support elements of this bill. Obviously looking at the stories of victims in some instances, we do find that victims do want to keep their confidentiality and privacy, and for their name not to be

in the public arena. However, in some instances, victims want to be able to tell their story in a step towards their own wellness and to help ensure that other people who are in a similar situation may see the signs and have confidence to be able to follow a pathway that would break that. This is in relation to, as I said, clause 24, which will allow adult victims or alleged victims of crimes committed to children to share their stories and remove the current restriction on the publication of a report likely to identify a victim. Restrictions on identifying details of accused children will be maintained. This is quite reasonable and fair.

I also strongly support clause 33, which prohibits the court when sentencing an offender to carnal historical child sexual offences from having regard to previous good character or lack of previous convictions. Somebody who preys on children for their sexual gratification cannot possibly say that they are a good person and have been a good person in the community. It is the lowest of the low acts to think that, for your own sexual pleasure, you are willing to put at risk a young person's future. We know sexual assault of young people can create enormous psychological trauma that they sometimes will carry throughout their life and limits their ability to live their life. I cannot by any means at all think that anybody should be judged to have good character just because they have never committed an offence or have never been caught committing a child sexual offence before. I strongly support clause 33.

In relation to clause 37, I do support clause 37 in relation to victims of physical or sexual abuse occurring when the victim was under the age of 18 years and that they may make an application to the Victims of Crime Assistance Act 1996 at any time after the occurrence of the act of violence, thereby removing the two-year limitation period. We know that so many times we have heard the story that somebody was not willing to come forward or had blocked out the memories of child sexual abuse until later years. I think it is quite reasonable that that two-year limitation period be removed, as was clearly outlined by the member for Hawthorn, who made an earlier contribution and quite articulately outlined the Liberal and Nationals' position.

This does not go as far as we would like. However, it is pleasing that there has been some step towards removing that limitation and making it fairer for younger people and people who have been sexually abused to access victims of crime assistance. In summary, we do support elements of the bill and we are taking a not-opposed position because we would like the government to take the opportunity to listen to our feedback and tighten up some of those key

elements of the bill to ensure that younger people are better protected from sexual assault and violence into the future.

Mr McGUIRE (Broadmeadows) (16:57) — One of the horrendous insights that we gained into child sexual abuse in the Betrayal of Trust inquiry was that what can happen is this terrible transfer of guilt, where the perpetrators can have no sense of guilt but those who are the victims feel the shame and bear it like a shadow that can blight their lives. Perpetrators can often remain unrepentant while some of the victims do not survive.

This was one of the critical insights into how this level of manipulation occurred and the grooming that happened, not just of victims but of families and friends, where people who were child sexual abusers were ingratiating their way into a position of trust. Sometimes men claiming to represent God were committing foul crimes against children that were once hanging offences in this state. The other part to that was we had religious denominations and other institutions that were protecting paedophiles through cultures of concealment. There was wilful blindness, codes of silence and noble cause corruption. By that I mean this misplaced sense of loyalty to an institution above justice for the individual. This really went to the heart of how this happened for so long without it actually being brought to accountability and scrutiny.

Now, after two parliaments and three premiers, I want to again commend the Andrews government's Attorney-General, the member for Keysborough, for bringing in this piece of legislation. It goes directly to the proposition that child sex offenders will no longer be able to rely on their previous good character, or assumed good character, to fight for lighter sentences. This means teachers, priests and other community leaders convicted of child sex offences will no longer be able to claim they are of good character when seeking more lenient sentences in Victorian courts. Perpetrators have in the past used their positions of power and trust and their standing in their community — their status — as part of the commission of their crimes. That will no longer be able to be used to mitigate their sentences.

Just think about how this has gone right through and how they have been able to lead these double lives and betray our most vulnerable — our children, who are innocent. That is a critical point. They were all innocent and they were manipulated into these positions. That is why this legislation is important and why another part of the recommendations of the Betrayal of Trust inquiry is being enacted.

I do want to acknowledge the bipartisanship that we had all the way through this process in the Family and Community Development Committee. I acknowledge my colleagues, the member for Thomastown, the member for Ferntree Gully, who is in the chamber, and in the upper house Georgie Crozier, who was chair, and other MPs who have now left, including Andrea Coote from the Liberal Party and David O'Brien from the National Party.

I also acknowledge the Baillieu-Napthine and Andrews governments and the attorneys-general of those governments, the member for Box Hill and the current Attorney-General, for the way in which this Parliament has at least restored a measure of trust in institutions, because it has been incredibly difficult for people who have been let down so many times in their lives. I have a constituent who is still going through the trauma of having to address these matters and the subsequent impact that that has had on her life and her family's life. If you think of the ripple effect that it has right throughout communities and organisations, you get some sense of the measure of the damage. The evil that men do lives on after them. That is the critical point.

This bill contains a number of reforms to the criminal justice system, with a particular focus on improving the experience of witnesses and victims. The Andrews government is taking action to make sure that victims and witnesses receive the right support and assistance at every point. Victims and witnesses of violent crime have experienced traumatic events, and the court process often requires them to revisit that experience with harrowing repercussions. I remember during one of the hearings of the Betrayal of Trust inquiry there was a man who came all the way to the table and wanted to disclose. It had been an incredible burden on him and he could not do it. He got up and he ran out. So we stayed on to make sure that he could possibly be convinced to come back. And he did, and he testified, and by bearing witness you could almost see that the weight of the world had physically been removed from his shoulders and it had made such a difference. So that is a firsthand account of the psychology and the dynamic and the visceral response that people have to this.

I remember there was a woman who was aged 87. She revealed her childhood trauma for the first time. In all the different manifestations she spoke quietly and just addressed this. She had never spoken to anybody else in her life about this. This was an incredible inquiry to be a part of in order to find out the facts and the evidence, what had happened, how it had been covered up — because this was the cover-up that killed — how it had happened for so long and what needed to change.

This is an important part of how we as the institution of the Parliament give back at least a measure of trust to people. I want to acknowledge the member for Hawthorn for his contribution that looks at how we do this in a bipartisan way. I think it is important that we were able to put this beyond partisanship and provide what the Betrayal of Trust inquiry ultimately became — a blueprint for the subsequent national royal commission — and it provided these insights to the community as well.

We should never forget that children were innocent, and their courage in testifying as adults was inspiring and their fortitude humbling, because when you actually meet people who have been through this — we had Anthony and Chrissie Foster come into the Parliament during the debate of another piece of legislation — you realise the significance this has. Some people have been able to compartmentalise it — that is probably the best description. Other people bear it like a shadow, and some people have not been able to survive it. In bringing this bill into the Parliament, we are making it easier for witnesses and making it easier to get redress at any time, and this is important. I know that all the victims are still waiting to find out what the national redress scheme will deliver. I think if we look back, nearly all the recommendations of the Betrayal of Trust inquiry have now been implemented. It is just this final issue about redress that we are looking at from a national perspective and from the state's perspective in Victoria. That is the final proposition to be resolved for a number of people.

I do think that we will all look back at different things that we may have done, but for the 57th and 58th parliaments of Victoria we will actually be able to say that we were able to be bipartisan on this issue. And it will make an incredible difference to all these people, because we have at least given them their voice again. We have heard them, we have responded and we have restored at least a measure of trust in the institution of the Parliament of Victoria.

Ms McLEISH (Eildon) (17:07) — I rise to join the debate on the Justice Legislation Amendment (Victims) Bill 2017. We have heard from several speakers already that the key focus here is to improve the experiences of witness and victims in the criminal justice system. This bill amends four acts: the Crimes Act 1958 is amended in relation to sexual offences and the destruction of fingerprints and DNA samples from children, the Sentencing Act 1991 is amended in relation to child sexual offences, the Criminal Procedure Act 2009 is amended to provide ground rules hearings and to provide for intermediaries and the Victims of Crime Assistance Act 1996 is amended to remove the

two-year limitation period for childhood victims of sexual and violent offences to make an application.

There has been a lot of talk in the community and a lot of focus on crime. We are hearing dreadful stories at the moment about carjackings, invasions and threats against people. What have not really been talked about a lot until the last decade or maybe a little bit less are offences around child sex abuse. We have had successive governments now, certainly in this state, tackling this issue. The Napthine government produced the *Betrayal of Trust* report, and recommendations from that have flowed through the Napthine and Andrews governments.

At a federal level we had the Royal Commission into Institutional Responses to Child Sexual Abuse, and recommendations were made in reports tabled by governments. These works span many volumes, looking at the lives of those impacted, what happened at the time and what has happened since. These have influenced and impacted the recommendations going forward. They provide a very, very valuable context for us. We have also had the Victorian Law Reform Commission looking at areas around victim support.

There are a number of very important clauses I want to talk about. I am going to start with clause 25, which introduces ground rules hearings and intermediaries. This is based very much on the work of the law reform commission as well as the royal commission and is supported through the Victorian Court of Appeal. This clause introduces a two-year pilot program for ground rules hearings and for intermediaries for persons under 18 or persons with cognitive impairment. It is interesting that the Victorian Law Reform Commission report suggested that the use of intermediaries be for people under 16, not under 18, and people with a disability. We see that there is a little bit of difference here.

I want to talk about the role of intermediaries because I think it is really quite important to note what the role is and how it is to function. The role of the intermediary is as an officer of the court. They are not an advocate for the alleged victim. Being an officer of the court requires impartiality, but you can imagine how this might play out when you have somebody who is there to assist children or those with an impairment to give evidence. This is a skill in itself because there cannot be leading questions. To be very impartial you cannot lead or direct, but you have to have that skill and capability to help children or those with an impairment to put the right information on the table. An advocate is somebody who is pushing along those lines and supporting the victim, so this is an independent role that has to be able to deal with the advocates who will be

there at the time. That will require a great deal of skill and sensitivity. It is important to note that an intermediary is not an interpreter.

I think it is very important that we look at the sorts of skills and the people who are employed in those roles. As we know, there is a two-year pilot here. It is important that intermediaries get children to open up and speak freely about what has happened. We need to make sure that the people who are going to be doing this do have the skills. They may be assisting somebody who has had a cognitive impairment all their life — a congenital impairment — or somebody who has perhaps suffered a head injury as a result of a crime. There will be different types of impairment and different reasons for cognitive impairment.

A ground rules hearing is a pre-trial process looking at the comprehension and communication needs of vulnerable witnesses. I think the establishment of these ground rules up-front is a good thing. They will be set at the pre-trial, and they will address things such as perhaps how cross-examination is going to be undertaken. But more importantly they are there to help to understand and to get on the record straightaway the limitations and the vulnerabilities of witnesses and others.

I draw on the work that I have been involved with as part of the Family and Community Development Committee. We have reported on abuse in the disability sector. We also reported on services for those on the autism spectrum. It is very important to understand the limitations of the people who are going to be in that room. For somebody with autism, for example, the question may be, 'What are you painting?', and they might say, 'The sky', whereas you might have been expecting an answer about a landscape or a house. It is a very succinct answer. The question might be, 'Do you have a train ticket?', and the answer might be, 'Yes', rather than their realising that we actually want to see it. So it is really important that these types of impairments are brought to the table at the start.

For people with autism, lights, noises and things that are going on at the time might affect them and can play a large role. There are, as I mentioned, the literal responses to questions. Also, some people are not communicative, and if they are not communicative, how do you communicate with them and how do they get their point across? These are things that are sometimes missing, and we certainly made recommendations about this in our committee reports.

Clause 37 relates to the removal of a two-year restriction for victims of crime under the age of 18 to access

compensation. A 14-year-old victim might, when they are 20 or much older, have had time to digest and understand. They might be more mature and want to pursue the matter at that time. This is appropriate, and it is certainly something that we support.

But this legislation is not just relevant to children. At the moment victims of crimes such as murder, terrorism and home invasion, and those affected by emergencies, disasters and other critical incidents rarely receive the immediate support they need in the aftermath of a traumatic event. Sometimes it takes too long for the formal victim support services to be activated and to kick in, despite everybody understanding and accepting that early intervention and counselling can help victims, and secondary victims, come to terms with the trauma they have suffered.

As has been outlined by the member for Broadmeadows, many victims continue to suffer long-term trauma, including anxiety, depression and post-traumatic stress disorder, as a result of their harrowing experience. That was something noted in the *Betrayal of Trust* report. We think that for too long victims have been treated as second-class citizens in a justice system that has sometimes been all about defending the rights of criminals, irrespective of the harm and damage they have caused to their victims.

It is pleasing that the coalition is going forward with a policy that will extend the period for victims of crime to make applications for variations of financial assistance from six years to 15 years. This will apply in exceptional circumstances if medically supported, and it will be 10 years in all other cases.

I think the bill before the house is important as it takes us forward to a degree. Perhaps it does not quite go far enough, but I certainly understand that there is support for this. The coalition are adopting a not-opposed policy. There have been a couple of issues of concern raised by our lead speaker, the shadow Attorney-General and member for Hawthorn, but also there are some areas around the role of the intermediary and the ground rules that really need to be thought out up-front. It will be good to watch that and see how it goes in this trial period for people with particular conditions. Every trial will involve people who have different conditions, and one lot of rules will not fit all. I think there is room for these ground rules and intermediaries to work well.

Mr DIMOPOULOS (Oakleigh) (17:17) — It gives me great pleasure to speak on the Justice Legislation Amendment (Victims) Bill 2017. This is obviously a very, very important bill, and I am proud that it is our

government that is introducing it. I do note that the former Attorney-General, the member for Box Hill, did request an inquiry from the Victorian Law Reform Commission (VLRC) I think a month before the last election. In typical coalition style, they left things until the end and left unfinished business. But to his credit at least he made the referral to the Victorian Law Reform Commission, which is one of the sources of information we have to inform the good work that has gone into developing the bill.

This is clearly a bill about improving the experiences of victims, witnesses and of course their families. There are quite a few elements to this bill, but I just want to pick up on four principal elements. Introducing a role for intermediaries, the ground rules hearings process, strengthening the sexual offences laws and providing some consistency in relation to those laws and the evidence of good character provisions this bill seeks to institute are the four areas I am particularly interested in.

I note that the Attorney-General in his second-reading speech covered comprehensively the importance of the role of intermediaries to assist victims to ‘give their best evidence’. I think that is a really good turn of phrase. It is their evidence and they should be assisted to give it — not somebody else’s evidence and not a misunderstanding of that evidence, but their evidence — ensuring that it is complete, coherent and accurate. As I said, reducing the role of intermediaries was called for by the 2016 VLRC report *The Role of Victims of Crime in the Criminal Trial Process*. It was also called for by the Royal Commission into Institutional Responses to Child Sexual Abuse and in a case in the Court of Appeal last year. This is a big part of our response to those courts. Obviously the role of intermediaries has been covered off by a couple of previous speakers, but it is vital to achieve fair representation and substantive equality for people with difficulties with their cognitive ability — and child victims particularly. If this bill passes the Parliament, the role of the intermediary will be to communicate questions, as the Attorney-General said in his second-reading speech, to the witness and also to communicate the answers from the witness to the person or the party who asked the question in the courtroom.

The second area which I think is, pardon the pun, groundbreaking but very, very prudent not only for minimising victim retraumatisation but also for the efficacy of the criminal justice system and a smooth trial is the ground rules process for the hearings. It will be a pre-trial process where all parties, including the judge, are involved, and they basically set the ground rules, including, as the Attorney-General said, the

manner and content of the cross-examination. That will take into account the comprehension capacity and communication needs of the witnesses, particularly vulnerable witnesses, because that is where these ground rules hearings are intended to be used.

This bill also seeks to strengthen the law in relation to sexual offences with a range of reforms — I will not go into them — as outlined by the Attorney-General in his contribution. One that does interest me is greater access by victims to assistance. The Victims of Crime Assistance Act 1996 will be amended to ensure victims of child abuse are given additional access opportunities to the financial assistance to be provided through that process.

The fourth element that I want to cover off is one that I think is very, very important and one that I am surprised has not been, to my understanding, enshrined in statute previously, though it may have been exercised by judges in relevant cases. The bill seeks to prohibit a court from taking into account an offender's past good character or lack of prior convictions if those things were material enablers, in effect, for the offender to commit the very offences that he or she is fronting up for in court. I think it is vital, because otherwise it is absolutely an abuse of law and process to be lenient on someone or to exempt someone from some level of responsibility when it is perhaps demonstrated or proven that they used that good name to actually perpetrate those offences. So this is potentially closing a loophole, and in my view that is fundamental in an effort to support victims and their families and vulnerable witnesses.

We have a proud record in relation to achievements in assisting victims, and I think the VLRC report was actually quite effective in painting a bit of a quick history of the role of victims in the adversarial criminal justice system. I quote from the report:

The fact that the victim is not a party traditionally meant that the victim had no formal role in the criminal trial process, unless as a witness for the prosecution.

It goes on to say in another paragraph:

Fair trials are in the public interest, as well as the accused's interest. While it remains crucial that laws and procedures ensure the accused receives a fair trial, fairness to the accused does not preclude recognition of the victim's interest.

... Procedures and rights that regulate the contest between the prosecution and defence have been supplemented by reforms that allow for the victim's interest to be taken into account, although only to the extent that fairness permits in an adversarial system.

It is pretty fundamental, and many people would be surprised that the evolution of the criminal justice system and court trial process actually started with effectively the victims barely having a role in the process that is actually brought to the court because of the harm done to them. So I am really pleased that the evolution of thought has got to the point where we are actually directing and amending, with the advice of course of the courts and judiciary, really quite old, historic and important trial processes to ensure victims do not get retraumatised.

Nobody chooses to be a victim. It is incumbent upon us to ensure that there are less victims because of investments we are making in police, investments we are making in mitigating family violence and investments we are making in a whole range of other things, but it is also incumbent upon us to make sure that they are not retraumatised in an archaic, adversarial criminal trial process. I am not saying it is all archaic, but there are elements that have been archaic. I am very pleased with the excellent report provided by the VLRC, but I am also pleased with this government's and the current Attorney-General's further reference to the VLRC last year, when the Attorney-General asked it to review and consider how to improve the experience of all victims who engage with the Victims of Crime Assistance Tribunal. That report is due in the middle of the year.

There is a lot more to do to protect victims and to open up true access to funds, relief and compensation for victims but also to ensure that we construct a society which is civil, respectful and supported in terms of mitigating crime and mitigating family breakdowns so that we do not have victims or as many victims in the first place. I am proud of the Labor government's achievements in a whole range of areas from social policy and criminal justice to parole boards and bail laws, which are creating a safe society. Evidence of that is declining crime rates for the first time in 12 years. I commend the bill to the house and I thank the Attorney-General.

Ms GREEN (Yan Yean) (17:27) — I am really pleased to be joining the debate on the Justice Legislation Amendment (Victims) Bill 2017. Across the other side of this chamber there has been no appearance, Your Worship — no appearance. For all the fire and fury that we hear in the media from those opposite and the whipping up of fear while saying that they stand on the side of victims, let *Hansard* record that I am the fourth government speaker on this bill and those on the other side were not able to muster more than three. That is despite all their fire and fury, all their fear tactics, all their misrepresentation of crime

statistics, and the shameful and false comparison of this most livable city which, like many other great cities, has its issues with crime, which we are addressing. But the other side shamefully compared this great city — the most livable city — with a city that has many difficulties: Cape Town. That is what the Leader of the Opposition did.

An honourable member interjected.

Ms GREEN — Johannesburg, I beg your pardon. Thank you. It was Johannesburg, and he made that comparison. We have had the interference from Peter Dutton in Queensland, and unlike any —

Mr Burgess interjected.

Ms GREEN — You could have had your say, member for Hastings, and actually stood in your place and spoken on this bill before me, so don't you interject. You could have gotten up and spoken on behalf of victims in your community.

Mr Scott — On a point of order, Acting Speaker, there is an interjection across the table, which is disorderly.

The ACTING SPEAKER (Mr Pearson) — Order! Interjections of that nature are disorderly. The member for Yan Yean to continue, without assistance.

Ms GREEN — Thank you, Acting Speaker. The Leader of the Opposition also could have had the opportunity to speak on this bill right now. If he wanted to actually make a contribution on this debate, if he was actually serious, if he actually had any bona fides about sitting in the Premier's chair and if he actually did want to be tough on crime and tough on the causes of crime and wanted to ensure that victims are cared for, he and his team would be speaking on this bill. It is an abject disgrace that he has wretched it and that he is not interested at all.

Back to that Peter Dutton person from Queensland — how dare he! He will not even set foot in this state but will massively overreach and say that, for people in this state, it is not safe to go out for dinner. I went out for dinner last Saturday night and I went out last Wednesday night.

Ms Kealy — On a point of order, Acting Speaker, I note that the speaker who is currently debating the Justice Legislation Amendment (Victims) Bill 2017 has significantly strayed from the debate. This has been quite focused. I think everyone has been quite respectful in actually speaking on victims of crime, particularly children who have been sexually assaulted

and victims of sexual assault. I really do ask the member to come back to the debate and the bill that is before us.

The ACTING SPEAKER (Mr Pearson) — There are a number of provisions within the bill and the debate has been fairly wideranging in order to cover those matters, but I would encourage the member for Yan Yean to return to some of those aspects of the bill.

Ms GREEN — Thank you. I am more than pleased that the member for Lowan has gotten to her feet, and in her point of order she said that this bill pertains to children, and children who have been victims of crime and victims of sexual crimes. Rather than get up to raise a point of order and silence me, she could have gotten up and spoken herself.

Ms Kealy — On a point of order, Acting Speaker, perhaps if the member for Yan Yean had been more attentive she would have noticed that I was actually the lead speaker for the National Party and that I spoke for a full 10 minutes in regard to this bill. Perhaps if she had some interest, she would like to go back and read my contribution in *Hansard*.

Ms GREEN — I do apologise to the member for Lowan. I was in an important meeting pertaining to Plenty and Yan Yean roads, in my electorate, immediately prior to 5 o'clock. I do commend her for having the courage to speak on this bill when other members of the opposition have not.

I grew up in the Western District of Victoria, and I saw firsthand what happened to victims. I commend the members, particularly the member for Thomastown and the member for Broadmeadows, who worked so diligently in the parliamentary committee and on the report, *Betrayal of Trust*. The most fundamental thing that we can do as legislators is to support the measure in this bill that seeks to address what has occurred — that the perpetrators of those heinous, heinous crimes, those betrayals of trust, have been able to use their supposed good character and lack of priors to mitigate the sentence that was applied to them for their crimes. I really want to commend the committee for that work and the Royal Commission into Institutional Responses to Child Sexual Abuse at the federal level, which has seen these matters come to light. I could not support more strongly that measure in this bill.

I will just remind the house that I have spoken many times on matters pertaining to these terrible crimes. I grew up in the Ballarat diocese, and I knew personally Father Gerald Ridsdale, Father Claffey and that terrible piece of work, Brother Dowlan. I saw the violence that

Brother Dowlan used to perpetrate in hitting boys across the head — boys who were the same age as me — when we were doing musical performances together. Those people should rot where they are. People like them should never be able to claim good character when it was in fact their supposed good character and their position in the community that allowed them to undertake those horrible, horrible crimes. I support that measure, particularly in memory of the victims who are no longer with us or those who have not been able to speak.

On the matter of whether victims are able to get redress, I am very pleased to see that there is a measure in the bill that takes away the two-year time limit that victims have previously had to apply for compensation. As we have heard, as we have read in the *Betrayal of Trust* report and as we have seen in the matters before the royal commission, it can be many, many decades before these crimes are reported or before victims are even able to speak, whether they have been supported or not. So this is a very sensible amendment.

I am proud to be part of a government that is tough on crime, tough on the causes of crime and compassionate to victims. As we heard earlier today in the condolence motion, Andrew McCutcheon, a previous attorney-general, was a visionary in looking at restorative justice, changing the operation of community legal services and providing support for victims. I commend the bill to the house, and I decry the opposition, which has stopped speaking on this bill.

Mr THOMPSON (Sandringham) (17:37) — I am pleased to make a contribution to the Justice Legislation Amendment (Victims) Bill 2017. I would like to comment in a bit more detail on clause 37, which amends the time for making application. It reads:

“(1A) Despite subsection (1), an application may be made by a victim at any time after the occurrence of an act of violence consisting of physical abuse or sexual abuse if the act occurred when the victim was under the age of 18 years.”.

It was on Sunday that I met with a group of friends from 30 years ago. I had occasion all those years ago to represent the legal interests of a young boy who was charged with a police matter in his teenage years. In that interview I was seeking information as to who might have been able to provide references. I made some suggestions as to people in his community who might have been able to assist. I mentioned the parish in Oakleigh, where multiple offences have subsequently been established as having taken place. Upon my mentioning that possible source of reference, the young fellow looked at his mother and she looked at him. It

was unusual, but the prospect of a reference from that source was discounted. It was only two days ago that I found out the reason why, when I spoke with the mother of this person who was young at the time and now is the father of a number of children. The mother noted that he had never recovered from that incident at that time and that there was an issue in relation to his sense of self-worth, self-regard and self-respect.

At the same time in the district there were others whose lives were tragically affected. The Foster family were neighbours of ours, and we knew them well. Their parents were very near neighbours of ours in another time and another place. We saw the unfolding journey as people have described the tragic impact and sought to obtain justice within the political process when at certain levels there was a level of incredulity. Great work has been undertaken by this house, including members serving in this place today, bringing forward a range of key recommendations which would advance the welfare of people.

The removal of the time limit for making application for children under the age of 18 will be of support to some people. I might add that the son of a former member of this house was assaulted by someone, not from a clergy background but from within the scouting movement from a similar region. That particular case went to the County Court, and the offender was convicted and jailed. The concern that parents have for the welfare and wellbeing of their children is continuing and enduring. In the case that I mentioned earlier it had taken some three decades before this young person was able to speak with his mother and narrate what had happened.

In terms of the bill before the house, there are a number of good reforms that have been undertaken that are not opposed by the opposition. I trust that they will help make a difference to the lives of children to better protect them and that for those who have suffered at the hands of predators and assailants their life journey contexts may be made better by reforms passed by this chamber.

Ms WILLIAMS (Dandenong) (17:43) — It is my pleasure to rise in support of the Justice Legislation Amendment (Victims) Bill 2017. It is very challenging indeed to follow on from such an emotional contribution from the member for Sandringham.

This bill has a number of elements which will amend legislation to protect and support victims of crime, with a focus on improving the experiences of witnesses and victims in our criminal justice system. At the core, as we have heard from other speakers, this bill responds to many of the recommendations contained in a number of

reviews, including the review of the Open Courts Act 2013, the Family and Community Development Committee's inquiry into the handling of child abuse by religious and other non-government organisations, which of course produced the *Betrayal of Trust* report, the report of the Royal Commission into Institutional Responses to Child Sex Abuse and the Victorian Law Reform Commission's *Role of Victims of Crime in the Criminal Trial Process* report.

The bill in front of us today acts to better support and protect victims. The elements of it that I am most interested in, as many others have been, are the components that serve to protect victims of child sex abuse. I have stood in this place many times before and talked about the scourge of child sex abuse, and I have discussed how it has unfortunately impacted many families across my electorate of Dandenong. This has been most publicly brought to light through the royal commission's inquiries into the horrific and sadly systemic cases of clergy abuse associated with the Holy Family parish and attached school in Doveton, which spanned many, many decades. These historical acts were committed against the most vulnerable people in our community — young children, and overwhelmingly young children of a low socio-economic background. They were perpetrated by those who were in trusted and highly respected positions in the community.

Much of the commentary about the abuse suffered by children at the hands of clergy at Holy Family has focused on Father Peter Searson, but it should be noted that he was not the only perpetrator at that parish. Sadly, Holy Family has been described as being a dumping ground for paedophile priests over a number of years. I know that the parish and the school community have sought to rebuild that reputation into something far more positive in more recent times. There are indeed these days some very good people there who have to deal with what is no doubt a very traumatic and terrible legacy from that parish.

The wicked actions of Peter Searson and others have come to light through various inquiries, as I have said, and justice has been a long time coming for the many victims of abuse and indeed victims of other similar abuse across our state. I know other members have spoken about the impact on their communities. While nothing can take back the unspeakable experiences of those impacted by these crimes, as representatives in this place we must do all we can to support and protect the victims, survivors and witnesses in their courageous quest for justice. I am pleased that this objective is very much at the heart of the bill before us today.

This bill marks the final stage of significant reforms contained in the Crimes Amendment (Sexual Offences) Act 2016. This act has reformed over 50 sexual offences to make them as clear, simple, consistent and also effective as possible to better protect people from sexual offending. The bill we are discussing provides both protections and benefits to victims of sexual offences, ensuring that such protections and benefits apply to victims of all relevant sexual offences.

The bill amends the definition of sexual offence in the Criminal Procedure Act 2009, making clear that the definition applies to both current sexual offences as well as repealed and common-law sexual offences, including common-law rape and other serious offences such as involving a child in sex work. This is an important aspect of the bill, as sexual offences, as many of us know, can often take years to be reported or to come to light. This bill ensures that victims of historical sex offences will now have the same protections available in the court process as the victims of more recent sexual offences.

Secondly, the bill expands the criminal offence of failure to disclose a sexual offence committed against a child under the age of 16 years to include an obligation to disclose child pornography offences. This amendment will help to better protect vulnerable children involved in the creation of what without any hesitation can be best described as abhorrent images and sometimes videos as well.

Another amendment included within this bill relates to the removal of good character considerations in the sentencing of child sex offenders. I feel that this one in particular is extremely important. The bill will exclude courts from having regard to an offender's good character or lack of prior convictions if that factor was of assistance to the offender in committing the offence. Essentially the bill will prevent offenders who have used their reputational status in the community to commit sexual offences from then using that community profile and using that good reputation as evidence of good character for the purposes of seeking leniency in sentencing. Any reasonable member of our community — and probably all in this place — would rightly be dismayed to think that somebody could use a position of trust and good character as a vehicle to commit unspeakable crimes against children and then be able to claim that position or that reputation to alleviate their punishment. It is just perverse, and I think we can all agree on that. I welcome this amendment which will close that loophole. I know that there will be many in our community who will see that as a righting of a very significant wrong.

Another part of the bill I would like to speak about is the introduction of an intermediaries scheme pilot program and the use of ground rules hearings in criminal proceedings. The intermediaries program will assist vulnerable witnesses, particularly complainants, helping them to give their best evidence. It will reduce trauma and distress for these witnesses. We know that giving evidence as a witness can be a very distressing thing to do. Core processes can in and of themselves be quite confronting and distressing, so anything we can do to alleviate that is indeed a positive step forward.

Intermediaries are skilled communication specialists who will help facilitate communication between a witness and the court. Importantly an intermediary is an officer of the court rather than an advocate for the witness and has a duty to act impartially. This program will better support witnesses in what can often be, as I said, a very difficult and emotional process. It is also expected though that it will improve the efficiency of the court process, which of course is always a welcome initiative when we know that there are a lot of strains on our court processes and our court system. So any efficiency gain is a good thing.

The other court proceeding aspect addressed in this bill is the introduction of ground rules hearings. This is a pre-trial process which involves all parties and the judge to consider issues such as the manner and content of cross-examination. The process will also help ensure the fair and efficient conduct of the proceeding. Again, I go back to my comments about improving the efficiency of court proceedings and the value and benefit that delivers to our community more broadly.

There are a number of other aspects of this bill I could speak about, but rather than embark upon those in greater detail, I will wind up my contribution by talking about the great raft of work this government has done regarding, in particular, the recommendations of the *Betrayal of Trust* report and addressing what for many in this place — sometimes for very personal reasons and other times because of the people we encounter in our day-to-day lives — is an incredibly traumatic issue, and that is the one of child sexual abuse. It seems that this is an issue that keeps rearing its head. It keeps coming to the fore, whether it be in our community interactions or in the media, and we have seen it, sadly, again in the context of the Catholic Church more recently.

It is so important that we in this place — all of us, irrespective of where we sit in politics — take these issues very seriously and do what we can to address the issues in a meaningful way for victims who have already been affected by these crimes but also to

prevent these crimes from taking place in the first place. I know that there has been a significant body of work done to this end, and I am very proud to have been part of the government that has done that work. I commend this bill to the house.

Mr D. O'BRIEN (Gippsland South) (17:53) — I am pleased to rise to speak on the Justice Legislation Amendment (Victims) Bill 2017, although 'pleased' is perhaps not the right term, because it is a difficult subject that this legislation deals with, as we just heard, particularly from the member for Sandringham, who gave a very heartfelt contribution. When I say I am pleased to speak on the bill, I truly wish that we did not have to pass this sort of legislation, because it is not the sort of thing that we like to deal with in our society. I commend the house for dealing with it through this legislation, through many other pieces that have come before the house in the last few years and also through what is at least in part the source of this legislation, the *Betrayal of Trust* report, which was initiated in the previous government.

Members from this side were on that committee — the member for Ferntree Gully; Georgie Crozier, in the other place; and my former colleague, David O'Brien, who was also in the other place. From speaking to David in particular when I shared an office with him I know just how much of an impact sitting through those public hearings and the evidence that was presented through the process had on him, as it would on anyone, I am sure, because what that inquiry and subsequent inquiries, including the Royal Commission into Institutional Responses to Child Sexual Abuse, revealed to the public was a series of heinous crimes. It was not only the heinous crimes but the heinous activity that went on particularly in the Catholic Church and also in other organisations throughout the community. Like many others in this place, and as I have said before, I am a Catholic — although not a particularly good one — and this issue is a great shame. In fact I am ashamed at times as to what occurred through the hierarchy of the church with respect to child sexual abuse and abuse more generally. Other members have spoken particularly of the Ballarat diocese, which was perhaps the epicentre of some of this activity.

It is a difficult subject, but as I mentioned, through the member for Sandringham's contribution and also through the *Betrayal of Trust* report we have heard that it has largely been a bipartisan effort. That is why I thought the contribution just before by the member for Yan Yean was a somewhat unedifying rant which did her no credit. When the opposition is not opposing the legislation, her standing up and abusing those on this side for a good 4 or 5 minutes did her no credit

whatsoever. She also talked about crime and this government being tough on crime and supportive of victims. That is not something we would agree with from a bipartisan perspective, but I think with respect to family violence and with respect to child sexual abuse there certainly has been at least a non-partisan approach to these issues. That has been reflected in the number of pieces of legislation that have gone through this place with respect to these issues.

I have said before on these sorts of bills, a number of them also implementing recommendations from the *Betrayal of Trust* report, that it is the most critical job of us in this place to protect our citizens, and the most important job in particular is to protect our children. Anything we can do to improve the protection of our children is important. That is why I was pleased to read clause 33, and I echo the comments made by the member for Dandenong with respect to clause 33, which prohibits a court when sentencing an offender in relation to current or historical child sex offences from having regard to previous good character or lack of previous convictions.

I think in many respects that gets to the heart of the crimes that were committed by many of the clergy, because they relied on that trust and they relied on that apparent good character and their clean record. This is going back to a time where a priest was someone who was assumed to be almost above the rest of us in some respects and so had a level of trust within the community. That is why I think it was apt to name the parliamentary inquiry *Betrayal of Trust*. It is up there with the situation of crooked cops — they are supposed to be people who are held in high esteem. Whether they are police officers who are on the take or whether they are priests or clergy who are betraying that trust, it is somehow, to me at least, far more serious when someone like that commits a crime because they are meant to be someone we can trust. So I think clause 33 in particular is welcome in that it makes sure that someone cannot hide behind that position or that previous good character if they have actually committed such a serious offence.

I would also just mention clause 4. Previous opposition members speaking on the bill outlined our concern that clause 4 with respect to medicinal cannabis is a little unclear and could in fact be tighter. I reflect on the debate that we had on medicinal cannabis in 2016, if I am not mistaken, in which those opposite were quite rightly hailing the decision to introduce it and very strongly supporting it. It was not opposed by us on this side, but I did make a comment at the time that it concerned me somewhat that the introduction of medicinal cannabis use subverted the usual processes of

the Therapeutic Goods Administration to make sure that the product was safe, that it had efficacy and that we had considered all the necessary elements.

I know that there was a significant report into medicinal cannabis before it was introduced, but I did comment at the time in the debate that I hoped that a future Parliament would not find problems with it. I guess this amendment is perhaps one minor area where we are dealing with unintended consequences of that original legislation. As I say, it is relatively minor, but having to make these amendments after the fact highlights the point that I was making — that medicinal cannabis was perhaps introduced with undue haste. We have highlighted that that particular clause could be tighter. There is a concern that it potentially could be abused by someone overdosing on their medicinal cannabis, and so that is a concern that we have with this legislation.

Finally, I just mention briefly in passing clause 37, which provides that victims of physical or sexual abuse that occurred when the victim was under the age of 18 may make an application under the Victims of Crime Assistance Act 1996 at any time after the occurrence of the act of violence, which removes the current two-year statute of limitations period. Previous speakers on this side have indicated how that could have been taken further, but I think that is a sensible amendment given that obviously someone who is a child and who has been a victim is not necessarily in a position to be able to make an application that soon after they turn 18 or after the offence has occurred, and so I think removing that is a good thing.

Again this legislation, having stemmed from the work of the *Betrayal of Trust* inquiry, from the royal commission into child sex abuse and from the work of the Victorian Law Reform Commission, I think is continuing a trend that has seen us take a bipartisan approach to strengthening the law to protect the most vulnerable, particularly to protect children, and I am pleased that this process continues — may it ever be so. As I said from the outset, it would certainly be far preferable if indeed this house did not need to pass such legislation because these crimes did not exist. Unfortunately they do, and I am pleased to be part of a Parliament that is actually moving to address them and pleased that we are not opposing this legislation.

Mr PEARSON (Essendon) (18:03) — I am delighted to make a contribution on the Justice Legislation Amendment (Victims) Bill 2017. Like a number of other members, I have been in the chamber for the majority of the debate, and like others who have gone before me, I do want to acknowledge the contribution made by the member for Sandringham. It

was an extremely heartfelt, emotional contribution, and I think that it helped to demonstrate the recognition amongst members of just how profound an impact these heinous offences have on individuals. We all come to this place with a different experience and with different lives. We have worked in different professions and different occupations. For the member for Sandringham to be able to talk a little bit about his past life, his experience and what he saw, and appreciating the profound impact that traumatic event had on a child and how that reverberates through that child's life into their adult years, was a very good contribution.

The bill contains a number of elements. I am quite drawn to the provisions around intermediaries because there was funding of \$2.6 million in the last budget to introduce intermediaries to assist in obtaining evidence. I think the issue with intermediaries and the reason I am quite interested in this element of the legislation is that when people give evidence, or are required to participate in that process through a different shared experience and different learned experience, they have different abilities in the way in which they respond to that experience.

A case in point is, for example, if one of us as members were asked to give evidence in a case, we would have a fair level of confidence, some more so than others. Those of us who have a legal background would probably be more confident than those who do not. But we would be broadly comfortable with procedure and procedural fairness, and have a good understanding of what is fair and reasonable conduct and what is not. But clearly that is not the case for all witnesses.

Where you are dealing with children, where you are dealing with cognitive impairment, those are both factors which require a more specialised response. The work of the intermediaries has really come about through the work of the royal commission. It is interesting to note too that you do need that specialist support and assistance because the ability of people with cognitive impairment to reason, to rationalise the situation is often impaired.

I am indebted to Paper No. 4 in a series of research papers produced by Corrections Victoria which looked at the Victorian adult prison population. That analysis of a sample size of around 200 prisoners found that two-thirds of male prisoners and approximately three-quarters of female prisoners might have an acquired brain injury. These are just estimations based upon whether someone has abused alcohol, whether someone has abused drugs or whether someone has been involved in a car accident or a workplace accident. When you are seeing those high rates of incarceration

with people who look like they have an acquired brain injury and you are then getting someone with an acquired brain injury and you are asking them to participate in a judicial process, in a legal process, it is only fair and reasonable — if you want the truth, if you want to get good advice and you want to know what has happened and you are asking a person to make a witness statement — that they have a level of comfort, support and confidence to be able to give that advice.

As the Attorney-General's second-reading speech indicates, the intermediary is not an advocate for a witness. There will be others like the Office of the Public Advocate, or a solicitor or barrister from Victoria Legal Aid or privately commissioned by a victim having access to those other resources. No, this is about having someone who is an independent officer of the court able to provide that advice, and I think that is a really important initiative.

Moving forward, there are changes to the way in which forensic information and fingerprints will be collected from juveniles. Certainly when you are looking at fairly low level ranges of offences from juveniles and they become rehabilitated and they go off to become fully functioning members of society, there is no real need for that material to be retained. The changes before the house relate to where there are very serious, violent offences where the penalty would be at least 15 years imprisonment.

I have talked about Jerry Madden before. It was a very good discussion and engagement with Jerry Madden, who was a former Republican representative of the state legislature of Texas. He participated in a videoconference with members of this place and the other place plus external people where he talked about his experience in the state legislature of Texas and the fact that in the 1990s there was an increased crime rate, there were increasing incarceration rates and there was a really high rate of recidivism. He, along with a colleague from the Democrats, set about looking at trying to reform the prison system in Texas. He talked about there being two classes of prisoners: those who were knuckleheads — his word — and those who you had every reason to be fearful of and scared of. From Jerry's perspective, in the first category there was a need to make sure there was pretty good training and skilling up of that prisoner workforce and there was support for them when they got out of prison, and in the latter category that there was an appropriate corrections response put in place to make sure that they could not come out and hurt people again.

When you are looking at this particular provision before the house, clearly there are some people — it

would not matter if they were 15 or 25 or 35 — who have some underlying issues which make them a danger and a menace to society. If you are a juvenile and you have committed an offence that is punishable by at least 15 years imprisonment, I think your chances of rehabilitation and your chances of being able to become a functional, well-adjusted, reasonable member of our community are somewhat diminished. Therefore I think it is an entirely appropriate legislative response.

Others have spoken about the good character provisions. I think this is an absolutely sensible and worthy change that is before the house. Clearly there are people in our society and in our community who have historically used their position as community leaders or as a trusted friend of a family to then build up the trust of a vulnerable person or a vulnerable family through so-called good deeds in order to ingratiate themselves. But their motivation from the get-go has been to commit a heinous crime, a heinous offence. Ensuring that we remove that recourse, where they turn around and say that they committed this heinous crime but do not forget all the good things they have done, is warranted and goes back to the work of the royal commission and the Betrayal of Trust inquiry.

I do not have long to speak, but one thing I would say, which is an admission on my behalf, is that when the former state government announced the Betrayal of Trust inquiry I felt that it was the wrong response. I felt that what was required was a royal commission — a properly, fully funded royal commission — to investigate these crimes. We got there federally in the end, and I think the royal commission has done a fantastic job in exposing this and coming up with some very sensible recommendations, but I do want to acknowledge the great work that was done by the Betrayal of Trust committee in its deliberations. I think that work has had a profound influence on our state and some really important initiatives have come out of that inquiry.

This is a really important piece of legislation that is before the house. I am so pleased to be a member of this government, which is righting the wrongs of decades past. We are providing a safer Victoria for some of the most vulnerable members of our community, our children. I commend the bill to the house.

Debate adjourned on motion of Mr WYNNE (Minister for Planning).

Debate adjourned until later this day.

BAIL AMENDMENT (STAGE TWO) BILL 2017

Second reading

Debate resumed from 13 December 2017; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) (18:15) — I am pleased this evening to be able to rise and speak on the Bail Amendment (Stage Two) Bill 2017. I wish at the outset to circulate some amendments. Under standing orders I wish to advise the house of amendments to the Bail Amendment (Stage Two) Bill 2017 and request that they be circulated.

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

Mr PESUTTO — Here we are. We are nearly 14 months after the Bourke Street tragedy, one of the worst incidents that Australians, in particular Melburnians, have ever suffered. We on this side of the house thought that after the gravity of such an incident bail changes would have been an urgent priority for this government, and you may recall that for weeks on end we urged the government to put bail reform at the top of its list of bills to bring into this house.

Here we are, 14 months later, and we have got the second of what have been two tranches of changes to the bail act, neither of which has commenced. Certainly this one is still going through the house — that is understandable — but the first tranche of amendments passed last year and has a default commencement date of 1 July of this year. You have to wonder why it has taken so many months to put the important matter of bail reform before this house. So I am moving an amendment that the commencement date for both bills be brought forward to 30 March of this year, and I do foreshadow that I will need to move a motion to extend the scope of this current bill to enable both amendments to be made. Of course the amendment to the commencement date of this bill follows from the amendments I have circulated, but the amendments in paragraph 3, which provide that the commencement date for the Bail Amendment (Stage One) Act 2017 be brought forward to 30 March 2018, will require me to move a motion that extends the scope of the bill.

I propose to move:

1. Clause 2, line 16, omit “1 October 2018” and insert “30 March 2018”.
2. Page 31, after line 17 insert the following heading—

**“Part 5—Amendment of Bail Amendment
(Stage One) Act 2017”.**

NEW CLAUSE

3. Insert the following New Clause to follow clause 29 and the heading proposed by amendment number 2—

‘A Commencement

In section 2(2) of the **Bail Amendment (Stage One) Act 2017**, for “1 July 2018” substitute “30 March 2018”.

It has reached a point where you have the extraordinary intervention of a magistrate, Magistrate Ross Maxted, who last week expressed the frustration that I know he and his colleagues in the judiciary feel about the delays around bail. Magistrate Maxted actually expressed frustration because he felt that the person appearing before him in a bail matter should have been denied bail but under the laws as they are at the moment he had no choice. He fulminated against the delay of this government. We had the Attorney-General on the Friday of last week in an interview on 3AW radio with Neil Mitchell pushing back on the magistrate as if this delay was the magistrate’s fault.

You have to ask what the government has been doing. Bourke Street was profound enough. It should not have needed any prodding from us or anyone else to amend the bail laws, and yet you have this extraordinary intervention by a member of the judiciary — fairly unprecedented, I have to say. The government has been quite willing to move with other bills in this house, and if we were to compare the types of bills it has placed priority on in this house over the last 14 months, I think we would find that most people would choose bail as a more urgent priority to address. Ever since Bourke Street we have seen example after example of people being granted bail when they should not be granted bail, so we express our extreme disappointment that the government has resisted at all events an earlier commencement of these reforms — and I say reforms advisedly because our overall position on the tranche that is before the house now and the first tranche of bail reforms is that we were happy to wave them through but we want to make it clear that we find the approach to bail reform that the government has adopted to be piecemeal.

When you look at the combined effect of stages 1 and 2 of the bail reform, the changes that were in the first bill and now this bill will not change things all that much. I am certain that these changes, when they finally do commence — whenever they commence — will not actually change the culture and will not change

outcomes to the extent we need them to. The tests, although they have been clarified and reconfigured, are largely the same, and I will come to those in a moment.

I do give the government some limited credit for extending the scope of the reverse onus test to expand the range of offences that fall within the category of offences where the defendant must demonstrate either exceptional circumstances or, under this bill and the first bill, compelling reasons, but we feel those changes are piecemeal. We have committed publicly to rewriting the Bail Act 1977. It will be a real, genuine and comprehensive overhauling of bail in this state.

People should not have to live with the risk that this lottery of bail imposes on them whereby at any one time there are many people out on bail who should not be out on bail — and I have had that confirmed in briefings I have received on the operation of bail over the last 12 months. In fact there are so many people on bail it is difficult for law enforcement authorities to actually monitor them, and so we live, as I said, with a cruel lottery whereby people are living with exposure to people who have shown by their actions that they are quite capable of committing fairly serious offences in our community. That is not to say that we displace the presumption of innocence, but we know that too many people with very violent histories, including histories of not complying with their bail, are getting bail.

We are going to change that. We are going to let our reforms be driven determinately by three principles. There is going to be a strong and real presumption of remand for people who commit violent offences. We are going to reverse this government’s changes that legalise the breaching of bail for people under 18, a change which we resisted as steadfastly as we could and which sent a signal to a young cohort of would-be offenders that you can breach your bail without committing an offence. Decriminalising that breaching of bail was one of the worst things this government could have done, and it did do it.

Thirdly, we will make sure that this revolving door of bail breaching will come to an end. If you breach your bail under our system, you will not get it again. It is going to be ‘no prisoners’ on this one for us as far as we are concerned. We are going to put community safety first. We are not going to allow people to continually seek and obtain bail, and make a mockery of our justice system. I can promise Victorian people that.

Turning to the bill, there are a number of issues I do want to address in the context of my opening remarks. The first thing I wanted to talk about was proposed section 3AAA, which deals with surrounding

circumstances. On its face it is obvious enough, and as I said, we do not oppose these. But section 3AAA proposed in clause 5 of the bill sets out a whole range of things that bail decision-makers are to take into account — whether it is someone who is in a reverse onus situation, such as exceptional circumstances or compelling reasons, or even somebody who is facing the unacceptable risk test. Those surrounding circumstances set out at paragraphs (a) through to (h) include things like the nature and seriousness of the alleged offending; the strength of the prosecution case; the accused's criminal history; the extent to which the accused has complied with conditions of an earlier grant of bail; whether the accused was on bail for some other offence; the accused's personal circumstances, associations, home environment and background; any special vulnerability of the accused; and the availability of treatment or bail support services.

There are a whole range of circumstances that go on to include any known view or likely view of an alleged victim and the length of time the accused is likely to spend in custody if bail is refused, bearing in mind — I will just stop on that point — if you weaken your sentencing laws, then people are less likely to serve time in a custodial setting and can therefore more easily argue that they should be entitled to bail. That has an important consequence for our system. It also includes in paragraph (m):

whether the accused has publicly expressed support for a terrorist act or a terrorist organisation ...

I raise those examples of what is in the surrounding circumstances because when you go to clause 7 of the bill, which deals with the reconfigured test for bail, we come to surrounding circumstances. I should first point out that in coming to those reconfigured tests, there are diagrams in clause 6 of the bill which set out the way the tests are to be applied. For example, for somebody who is accused of a schedule 1 offence, such as murder or something like that, there will be a presumption against bail. They will have to show exceptional circumstances for bail being granted, and the bail decision-maker has to take into account surrounding circumstances. That is mirrored in the case of schedule 2 offences essentially. You have an unacceptable risk test which imposes on the prosecution an onus to show that the person constitutes an unacceptable risk.

The reason I go through these is that, even in the case of schedule 1 and 2 offences where the government boasts that there will be exceptional circumstances and compelling reasons that an accused will have to overcome, the bail decision-maker will be still be

entitled to look at the surrounding circumstances. The problem we have with the way the government has framed surrounding circumstances is there is no greater or lesser weight on any factors that relate to community safety or any factors that relate to the accused's prior offending, whether on bail or in other circumstances. That is very different to the approach we want to take in terms of bail reform.

We want community safety, prior offending while on bail and non-compliance with bail conditions to be elevated in the range of factors. In the surrounding circumstances, all these factors are in the mix. There is no guidance in the definition of surrounding circumstances as to how important one factor is over another. The government will say, I expect, that the articulation of overall principles in the act and in a couple of other sections will condition the way bail decision-makers approach their task. I hope they do, but there is no guarantee that they will. That is the problem we have with that.

Although the government is saying that these reconfigured tests for the granting of bail will toughen up the system, and they may in a piecemeal fashion, they are not going to constitute the cultural and legal changes that we need if we really want to start putting community safety first. Even in the case of the unacceptable risk test in proposed section 4E, all that the government has done in relation to community safety is to reorder the list of factors stipulated in paragraph (a) of proposed section 4E(1), where it talks about the risk that the accused would, if released on bail, endanger the safety of any person, commit an offence while on bail, interfere with a witness or fail to surrender himself or herself into custody. Those factors are being reordered, but there is no real change in emphasis in a substantive way that follows from the government's changes. We will not oppose these because they are likely to make a fairly modest and underwhelming improvement to what is in the Bail Act 1977 at the moment, but nobody should be under any misapprehension that this constitutes real bail reform.

I want to turn to one of the key features of this second tranche of bail reform, which relates to police remand. Police have said to me and many people have said to me over the last couple of years that police remand would actually assist police in circumstances where it might be very late in the evening or very early in the morning, and there is no access to a court or a bail justice or no ready access to one. It would be easier, it has been put to me, if police were able to remand someone for a reasonable period so that the person can be brought before a court or bail justice at the earliest opportunity after the expiration of that period. That all

makes sense, and to that extent we do not oppose what the government is proposing in clause 14, which relates to police remand. But how much will it change the system is the question.

The first thing to note about proposed section 10AA, which relates to police remand, is that it only applies to schedule 1 offences. Schedule 1 offences are defined to include some schedule 2 offences, but that still leaves a whole range of very violent offences for which police will not be able to remand someone. That is something that has not been noted in the public debate, and I can understand well why the government has not publicly acknowledged that, because when you look at that and the operation of schedule 1, even with the definition that incorporates some schedule 2 offences, that is actually quite narrow.

There is also another interesting implication about what the government is proposing in relation to police remand. It does not apply to an arrested person who is a child, a vulnerable adult, an Aboriginal person or a person arrested on an infringement warrant issued under the Infringements Act 2006. We could have a debate around whether in every circumstance each one of those categories should be excluded, but let us put that to one side, because we are not going to oppose that section.

What I do point out is that there is a real possibility that you will have quite a large number of disputes between arrested persons and their lawyers or representatives and Victoria Police, because of the question of who decides who is vulnerable. Whilst ostensibly the bill purports to place that in the hands of an appropriate officer of Victoria Police, I can see ample opportunity for fairly vexed disputes between the accused and their representatives and the police over whether somebody is a vulnerable adult, whether somebody is Indigenous or any other circumstance that can arise under these scenarios. The bill is not clear on how that will ultimately be resolved. It does say in the bill that police will have those powers, but I am not completely confident, I have to confess, that this is not ripe for real dispute and uncertainty. It may mean that the police will err and overcorrect on this and perhaps risk defeating some of the purposes of this bill.

I also note that it will leave bail justices with a large number of cases to contend with, but in particular they will be dealing with the more acute cases, where you have children, vulnerable adults, Indigenous or those arrested under infringement warrants. Do they have the training, skills and support to be able to do that? I say that as somebody who over the last three years has met and spoken to many bail justices who feel let down by

this government. I do not know why this government has it in for bail justices, but I can tell you that just about every bail justice I speak to does not feel that they have the support of this government. It may well be that this government just has it in for the volunteer ethic — that everything has to be bureaucratized or professionalised to the point where we do not have volunteers, whether it is the Country Fire Authority, whether it is the State Emergency Service, whether it is justices of the peace, whether it is bail justices.

These are people, let us remember, who will get a call at 3 in the morning and jump in a car and drive 150 kilometres or more and back to deal with a bail matter. These are the sort of people we want to have serving our community. Why would we want to make it harder for them? That is the kind of salt-of-the-earth ethic that we want to promote and exalt in our community, and yet we make it harder for them, it seems. They certainly feel that this government does not have their back on this. What we know from this bill is that they are going to be left with the most acute cases and that it seems that the introduction of police remand is not going to be the profound solution that this government has professed it to be.

I do want to talk about other clauses as well. I think it is important, and to this extent, I do welcome that clause 17 provides that bail decision-makers who grant bail for a person accused of a schedule 2 offence — they are still very serious offences; it could be manslaughter or child homicide — must provide a statement of reasons for granting bail. I think that will be a salutary change to the system. I think when decision-makers generally are required to furnish written reasons for something, even if they are not detailed reasons, it improves the quality of decision-making. It will certainly place on all bail decision-makers that onus we want in the case of bail, because I can readily imagine that people who are making decisions on bail and who are confronted with some evidence or submissions that a person represents a real risk will not be able to easily dismiss that if they have to commit their reasons to writing. I think that is very important. We welcome that change that is being made.

In relation to bail for an accused who is already on two undertakings of bail, we do not oppose what the government is proposing there — that is, a person who breaches bail having been given bail three times must be effectively brought before a court if they are to seek bail again. I just point out that this is one of the things that is at the heart of our policy on bail reform. We are sick and tired, and I think Victorians are sick and tired, of seeing people get bail, breach it and continue to get

bail. That just has to stop. There have to be some consequences for people who breach their bail.

We will not oppose this change, but we think it is, in the words I used before, piecemeal and likely to be ineffective in really making the kind of cultural changes that we need to see if we want our community to be safer with a better bail system. I note the government is proposing to adopt in this bill recommendation 33 of Paul Coghlan's report to clarify that courts can grant or refuse bail to an accused who appears on summons. I do acknowledge and accept that there has been a great deal of uncertainty around what bail decision-makers can do in relation to people appearing on summons, and we think that that provision is appropriate.

I also note that the government's youth justice amendments are intended to deliver some technical changes to support its Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017. I can understand why the government is not conceding that it missed a few things when it brought in that bill and it needs to tidy up the work around the bill. We will not stand in the way of that. We only ask that the government gets its house in order to make sure that when it passes these bills they are in a state ready to be implemented.

I go back to my amendments. They are very simple, and I say to the government: do you think that there is any more urgent a matter than bail reform? I expect that the government will say, 'Our agencies need time to make the changes necessary to adapt to the new bail system'. I doubt that very much. In fact 'doubt' is a word I use charitably.

These two tranches — the first tranche of bail reforms and this — will not change the bail system in the way we think it should. As I said, it is piecemeal, so we are not talking about a whole new system of bail under what the government is proposing. It is a matter of great curiosity as to why agencies need so long to adjust to these changes. They are really a reformulation of what is already there, and as I have pointed out, a number of the sections actually just reorder what is there. So I cannot understand why this bill has a default commencement date of 1 October. I read in some media that the Attorney-General has said he is aiming for an April start date; 30 March is not that much of a stretch beyond that.

I heard him say on radio last Friday that 1 July looked like a good date. Those were not his words, but to paraphrase he said 1 July would be the date for both bills. But even that is well into the future, and we cannot understand why, when we look at the totality of

all of these changes, the government needs so much time. I wish I could give the government some marks for what it has done, but on delay I give the government zero out of 10. Do the substantive changes not only in this bill but in the first tranche of bail changes go far enough? Not nearly.

I finish by reminding Victorians that if you want real bail reform, you have to look to the Leader of the Opposition and the Liberal-Nationals because we are the only team that will deliver an overhaul of the bail system. If you want more of the same — and sadly that is what this bill and the first tranche is going to deliver — then the Premier and his team will give Victorians more of the same. But they will continue to live with the risk that people will be granted bail and continue to breach bail. On that note I conclude my contribution.

Mr DIMOPOULOS (Oakleigh) (18:40) — I am pleased to speak on the Bail Amendment (Stage Two) Bill 2017. This is a very important bill, and it does what this government always does, which is complete the agenda that we have set. This bill seeks to implement the remainder of the government's response to the legislative recommendations outlined in the first report of the Coghlan bail review. This follows the most comprehensive review of bail this state has seen — tranche 1. It is galling but quite pathetic to hear the opposition — and I will get to them in a moment — use adjectives like 'piecemeal', when their time in office was characterised by exactly that adjective.

But first: this very, very important bill. This bill seeks to clarify and strengthen the bail decision-making process, with an emphasis on community safety. It comes from a very distinguished source: a former director of the Office of Public Prosecutions, a former Supreme Court judge —

An honourable member interjected.

Mr DIMOPOULOS — Exactly. The bill also comes from a former Court of Appeal judge. This bill seeks to reformulate and clarify how the test for bail should be applied, and that relates directly to recommendations 2, 3 and 5 of Justice Coghlan's review. He found there was confusion over the application of the tests for bail.

The bill seeks to require an adult accused who is already on two undertakings of bail for indictable offences to be brought before a court in relation to a particular serious offence. I will explain a bit more about that later. That is recommendation 15 of Justice Coghlan's review. It seeks to introduce a police

remand system to enable police to remand an adult accused until a court is available to hear the accused's bail application and to enable a court to place an accused who appears before it on summons on bail or remand. It does a few other important things.

Just a bit more detail: the review found that regarding the three tests for bail — unacceptable risk, exceptional circumstances and show cause, which will now become show compelling reason — there was confusion around their application and that that was leading to outcomes which were undesirable. That process is strengthened by this bill. I will get to the implementation that the shadow minister referred to. It is part of the reason we require a little bit of time for implementation in terms of training and a whole range of other things. As the Attorney-General said in his second-reading speech, Mr Coghlan found there was great deal of uncertainty about how these tests combine to work in practice, such as the order in which to apply the tests where two tests are applicable to an accused.

The police remand provisions are really, really important. The bill will give senior police officers the power to remand an accused without the accused being able to make further application to a bail justice. There is, however, a provision that if police consider that it would be impractical to bring the accused before a court before the expiration of 48 hours, then the accused will be able to seek bail from a bail justice.

The other important provision relates to bail for an accused on two undertakings of bail. I think the community would have an expectation that this would already apply. With the mess left to us by the opposition it does not apply, but it will if this bill succeeds through the Parliament. Under this bill a person who is already on two undertakings of bail with respect to indictable offences must be brought before a court for bail in relation to any further offending comprised of a relevant schedule 2 offence, and that is defined to include all offences in schedule 2 other than those relating to low-level offences, these being indictable offences of lesser seriousness. That is a very, very important provision.

There is a lot in this bill, but I just want to remind the chamber and the Victorian people that this is stage 2 of a very comprehensive review and reformulation of the bail system. I just remind the chamber that the first tranche of our response to Mr Coghlan's review was that we passed in this Parliament the Bail Amendment (Stage One) Act 2017. This made, amongst many others, the following amendments: decision-makers, including magistrates and judges, will now be required to place a higher priority on community safety when

making bail decisions; bail will be refused for more offences, including aggravated home invasion and aggravated carjacking — unless there are of course exceptional circumstances — in line with murder and terrorism; and there will be a presumption against bail for many more offences, including rape, kidnapping, armed robbery, intentionally or recklessly causing serious injury with gross violence, and culpable driving causing death. That is a profound change.

There is a whole category of offences that did not belong under that test of presumption against bail, and because of this government implementing stage 1 they will now be part of that test, that higher threshold. People who commit serious indictable offences while on bail, summons, parole, under sentence or at large will not be granted bail unless they can prove there are exceptional circumstances. Only a court will be able to make those bail decisions.

For the opposition spokesperson to come and say this is piecemeal is galling on two fronts. Firstly, it is not. Not only did the Attorney-General describe this in his second-reading speech but I have also just described how stage 1 in itself was comprehensive, let alone stage 2. What is more galling is that these muppets opposite, this group opposite, when Jill Meagher was murdered on the streets of Brunswick under their watch, took over 12 months to get a review back from their review process. It took over 12 months to get the Callinan review back — and they are talking about time delays! This pathetic excuse for an amendment by the opposition does not even constitute half a page. This is how serious the opposition is about bail reform. They cannot even come up with amendments. That gives me —

Mr Gidley — On a point of order, Acting Speaker, I know it would not have been the intention of the member for Oakleigh to politicise the tragedy in relation to Jill Meagher, but I take offence at that comment. I take it as a reflection on the Liberal-Nationals opposition. While it may not have been his intention, I would seek for it to be withdrawn.

Mr Wynne — On the point of order, Acting Speaker, the rules of the house are that if it is a personal imputation against an individual, it would need to be withdrawn, and I did not hear a personal imputation against any member of the house.

Mr Burgess — On the point of order, Acting Speaker, my recollection of the standing orders is that if a member of the house takes offence, it must immediately be withdrawn.

The ACTING SPEAKER (Ms Kilkenny) — It is normally a matter of personal offence, but I will in this case ask the member to come back to the bill.

Mr DIMOPOULOS — Thank you, Acting Speaker. So not only did they absolutely abrogate their responsibility and waste 12 months of Victorians' time in not plugging some of the biggest holes in the bail system with that profoundly devastating example, but when they did actually act on something, something absolutely ridiculous, the baseline —

Mr Burgess — On a point of order, Acting Speaker, are you going to allow this speaker to continue to politicise this terrible tragedy in Victoria's history?

The ACTING SPEAKER (Ms Kilkenny) — There is no point of order. I will ask —

Mr Burgess — We have already taken a point of order on this. I would reassert the point of order and ask you to ask the member to stop politicising such a tragic event just for political advantage, which I think is an absolute disgrace —

The ACTING SPEAKER (Ms Kilkenny) — There is no point of order —

Mr Burgess — And although it is in keeping with his —

The ACTING SPEAKER (Ms Kilkenny) — I ask the member to sit down. There is no point of order.

Mr DIMOPOULOS — When the opposition actually tried to make some changes when they were in government the most high-profile change was baseline sentencing. They committed to it prior to the election. This is about timeliness. Four years later they actually got it through, and it was kicked out —

Mr Burgess — Speaker, I direct your attention to the state of the house.

Quorum formed.

The ACTING SPEAKER (Ms Kilkenny) — The member's time has expired.

Ms WILLIAMS (Dandenong) (18:50) — Given the opposition have claimed this an issue that they care so passionately and deeply about, that they cannot even turn out a second speaker on this bill is very disappointing indeed, just as it was disappointing to hear the heckling of the previous speaker, the member for Oakleigh, who was making some very valid points in his contribution. It was somewhat rich to have those opposite make claims that he was in some way

politicising the content of this legislation when they themselves have done nothing but politicise law and order not only in this term of government but pretty much throughout the history of their party. It has been the one thing that they have leaned on: generating fear. It is their specialty. The member for Mount Waverley sits over there and smirks. He was smirking as he looked at the member for Oakleigh and said, 'You're politicising this'. If only his constituents could see just how disingenuous he was when he made those remarks. It was appalling, simply appalling.

Mr Gidley — On a point of order, Acting Speaker — on two points — firstly, the member for Dandenong is misleading the house in relation to that matter, but secondly, even if that is upheld, I take offence again at the politicisation of that tragedy based on that comment. I take offence at the politicisation of the Jill Meagher tragedy by the member for Dandenong, who referred to me as the member for Mount Waverley, and I ask for it to be withdrawn.

The ACTING SPEAKER (Ms Kilkenny) — There is no point of order. There is no personal offence taken here.

Mr Burgess — On a point of order, Acting Speaker, it is obvious that the members of the government have missed the point here. The member for Dandenong has got up and said that us criticising their poor attempts at bail and their slack laws is somehow politicising bail, but then when they bring up and try to politicise a tragedy, somehow that is not politicising. So this is a complete misunderstanding of what politicisation is.

The ACTING SPEAKER (Ms Kilkenny) — The member for Hastings, in determining what is —

Mr Burgess — It is the opposition's job to show where the government has failed —

The ACTING SPEAKER (Ms Kilkenny) — The member for Hasting will resume his seat —

Mr Burgess — And this government has absolutely —

The ACTING SPEAKER (Ms Kilkenny) — The member for Hasting will resume his seat. There is no point of order.

Mr Gidley — On a further point of order, Acting Speaker, I would ask you to review the record. As a member of this house I was specifically named in that contribution by the member for Dandenong. I took offence at that and I asked, through the Chair, to have that withdrawn. You indicated in your ruling that there

was no point of order, notwithstanding the point of order that I had made. I would ask for —

The ACTING SPEAKER (Ms Kilkenny) — If the member has taken personal offence, I will ask the member for Dandenong to withdraw.

Ms WILLIAMS — I withdraw.

The ACTING SPEAKER (Ms Kilkenny) — Thank you. The member for Dandenong to continue.

Ms WILLIAMS — Now to get on to the substance of the bill, because it is a very important piece of legislation before us today. As we have heard others say, the government is overhauling the bail system in Victoria to improve community safety. We have heard discussed many times before in this place the Coghlan review.

We know that Justice Coghlan found that our bail system is arguably the most onerous in Australia, and that is contrary to what those opposite often try to peddle. These reforms before the house today will make it even stronger. They will make it harder than ever for people accused of violent crimes and very serious crimes to get bail, and the bill will strengthen bail tests to ensure that the risk to community safety is given a higher priority when deciding whether to grant bail, which we know is in line with community expectations.

The Bail Amendment (Stage Two) Bill 2017 implements the remainder of the actions outlined in our response to the first report of the Coghlan bail review. It follows an initial stage of bail reforms that were contained in the Bail Amendment (Stage One) Bill 2017, which we passed last year. This bill will amend the Bail Act 1977 to do a few things, including reformulate and clarify how the test for bail should be applied. It will also introduce a police remand system to enable police to remand an adult accused until a court is available. It will require a person — other than a child, an Aboriginal person or a vulnerable adult — accused of certain serious offences who is already on two undertakings of bail for indictable offences to be brought before a court in relation to any further bail decision. It will also provide an express power for the court to bail or remand a person appearing on summons, and it will make other minor and technical amendments to the Bail Act.

By way of background, there are currently three tests to be applied in determining whether a person should be released on bail. They are the unacceptable risk test, the exceptional circumstances test and the show cause test. The exceptional circumstances and show cause tests

will become the show compelling reason test after the commencement of the Bail Amendment (Stage One) Act 2017. The latter two are collectively known as the reverse onus tests and apply only to persons accused of certain very serious offences.

Justice Coghlan in his review found that there was a great deal of uncertainty over how these tests combine to work in practice, including, for example, some confusion over the order in which the tests should be applied where two tests are applicable to an accused. So the bill will clarify the tests for granting bail by setting out when each of the unacceptable risk, show compelling reason and show exceptional circumstances tests will apply. It will reword the unacceptable risk test to emphasise the importance of the consideration of an accused's potential risk to community safety and will introduce a non-exhaustive list of factors relevant to each of the unacceptable risk, show compelling reason and show exceptional circumstances tests.

The bill also requires a relevant reverse onus test to be applied first, so an accused who fails a reverse onus test will be refused bail, meaning there will be no need to apply the other test — that is, the unacceptable risk test — afterwards. This differs somewhat from the order of applying bail tests that Justice Coghlan recommended as it requires bail decision-makers to apply the harder tests first. By doing this it avoids bail decision-makers spending time applying two tests when the second test for unacceptable risk is simply not necessary, and it therefore adds some efficiency to the system.

The bill will introduce a new system of police remand, as I have also outlined. Under the bill senior police officers will have the power to remand a person in custody for up to 48 hours until a court is available to hear their application for bail. Where police refuse bail, an accused will be required to be brought before a court as soon as practicable and the accused will not be able to make a further application to a bail justice within the 48-hour time frame. If police consider that it would be perhaps impracticable to bring the accused before a court before the expiration of that 48-hour period, the accused will be able to seek bail from a bail justice.

There are a number of other elements of this bill that I could discuss, but as time is of the essence, I want to wrap up by saying how pleased I am to be part of a government that has taken such a considered approach to reform in the law and order area and that has not only made a strong response in terms of our policing commitments and our commitments around bail and other elements relating to the courts but has also actively addressed the causes of crime. That is something those opposite have failed to address since

time immemorial, which is often what leads to these issues. I have said this in this place before. There is a lead time to the sorts of challenges that we are witnessing, and that comes from the previous government —

The DEPUTY SPEAKER — Order! The time appointed by sessional orders for me to interrupt business has now arrived. The honourable member may continue her speech when the matter is next before the chair.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — The question is:

That the house now adjourns.

Populous place permits

Ms VICTORIA (Bayswater) (19:00) — (13 404) I rise to ask the Minister for Police to intervene to stop populous place permits (PPP) leaping from being free, as they currently are, to having a charge of around \$430. The Australian Great War Association (AGWA) have contacted me with regard to their concerns that the new charge for PPPs could severely reduce the number of historic displays they are able to conduct and potentially force their volunteer-run organisation to collapse.

The AGWA and up to 10 similar Victorian organisations put on historical re-enactments at community events throughout Victoria to honour the sacrifices made by our service men and women. They dress in World War I uniforms which they pay for themselves, use props that look like those from the period and fire weapons from the era, specifically 303 rifles, as part of their displays. As I have said, they are a volunteer-led, not-for-profit organisation. They are enthusiasts who take their roles as historians very seriously. They help educate the broader community about some of the circumstances our Anzacs were faced with, and they do between 10 and 20 honour guards and blank firing guards each year.

Each display requires a PPP due to the use of guns. Currently the PPP is free for their category. However, a review of those fees and a regulatory impact statement suggest their type of PPP will now come at a huge cost. The bottom line on page 87 of the police policy and governance document entitled *Firearms Regulations 2018: Regulatory Impact Statement* shows that the current fee is \$0, but it also shows two options moving forward. Option 1, full cost recovery, is \$431.10, and option 2, partial cost recovery, is \$333.90. So the

government, to save a few thousand dollars a year, may be asking volunteers to pay to conduct a community service — on each and every occasion.

At this point I need to also point out that there is no charge to the RSL or school that is hosting the group. Funds are derived from affordable membership fees, so their only option would be to cancel some displays or start charging the likes of RSLs and schools, many of which simply cannot afford that expense. But the members cannot afford to pay for a PPP either. They already pay for their tunics, trousers, boots, hats, webbing, paraphernalia, rifles, rifle cabinets and firearm licences. These items cost the members between \$2000 and \$3000 each, and their licences require renewal. Their membership fee covers the cost of the public liability insurance and operating costs.

If AGWA are required to pay for populous place permits, Victorians may miss out on seeing an impressive re-enactment of the lives of our Anzacs and the equipment they used. The Anzacs did so much to define how our young Australian federation was portrayed on the world stage, so continuing to bring their memory to life is an important and valuable role.

So again, I ask the Minister for Police — who I am pleased is in the house — to have a heart and not allow volunteer organisations to be charged prohibitive fees for populous place permits.

Macedon electorate employment

Ms THOMAS (Macedon) (19:03) — (13 405) The matter I wish to raise on the adjournment is for the attention of the Premier, and the action I seek is that he join me in the Macedon electorate to see firsthand the jobs that are being created by the government's investment in local infrastructure and through the support that it is providing to businesses, including regional payroll tax breaks.

During a recent business walk through Riddells Creek I paid a visit to Raysett Constructions. It was great to chat with director Eddie Mueller about the number of government construction contracts they have, including the redevelopment of the Kyneton courthouse and extensive improvements to Woodend Primary School. There could be no better example of the impact the government's commitment to getting things done is having in regional Victoria.

Last year I visited Barker Trailers, a company that employs around 200 people across two sites at Maryborough and Woodend. This business is benefiting from our cuts to payroll tax.

In January I had the pleasure of taking a sneak peek at the new Kyneton Primary School, being built by the Lloyd Group. This project employs upwards of 20 people across a range of trades, and it was terrific to meet Kyneton local and concreter Taylah, who was thrilled to be working on this project next door to her old school, Our Lady of the Rosary Parish School. Only Labor knows how important it is to invest in job-creating projects across the state, and nothing gives me greater pleasure than seeing our local bakeries and cafes bursting at the seams with workers in hi-vis vests. I know the Premier also likes to see Victorians hard at work on these very important infrastructure projects across the state, and I look forward to welcoming him to my electorate.

North-east rail line

Ms RYAN (Euroa) (19:05) — (13 406) My adjournment matter this evening is for the Minister for Public Transport, and the action I seek is that she meet with train travellers in my electorate who are sick to death of being treated as second-class citizens by the minister and the city-centric Andrews government.

In April last year the Premier visited Wangaratta and said that he would buy new trains for the north-east line if the federal government fixed the track. The federal government did that — they invested \$140 million — but we are still waiting for any outcome from the Andrews government.

I have some firsthand accounts this evening for the minister. The first is from David Watson from Seymour. The minister might be familiar with him since this correspondence was addressed and sent directly to her. David writes:

I wrote to you on 7 January (copy attached) about the Albury line train service, or lack of it, to which you are yet to reply.

More cancellations today, apparently due to locomotive failure.

Two standard gauge locomotives are required to operate the daily timetable and V/Line has four.

V/Line's pathetic response to a colleague says that three are under repair.

I rather impatiently await your response to my letter and reiterate these three points made in it:

- 1) I questioned, 'What is going on and what is being done about it?'
- 2) I said, 'All pretence must now cease'.
- 3) I want to hear only from you, not V/Line or PTV.

Susan Edwards from Euroa said:

Visitors from Perth had pre-booked and paid and train was cancelled over Christmas period. We had to drive them to Benalla for connecting train.

Julie Allen, who lives between Violet Town and Bendigo, raised her concerns about the filthy state of the trains, the confusion between Myki and paper tickets and the lack of punctuality. She said:

Santa could not use this train line because it's not reliable. He would miss the date.

...

The old steam train was more reliable and efficient, and it ran on time.

Laura Ranger from Tallarook uses the Seymour service five days a week to travel to university in Melbourne. On 11 January this year, after a long day of placement, she caught the 4.32 p.m. Shepparton service. She said:

There were no seats available, common for this service in my experience, and the air conditioning had broken down in 34 degree heat. I had to stand, along with 12 other passengers in my carriage alone who stood or sat on the floor. The carriage was crowded and hot, which resulted in sweat literally rolling down my back and legs. I stood from 4.38 p.m. until it arrived at Wallan at 5.29 p.m. This means that I was standing sweating for close to an hour. This is unacceptable and I am saying this as I am a healthy, fit, 21-year-old woman and I found the amount of standing in the heat difficult after a long day. What about some of the other commuters forced to stand, who are older and less able?

The air conditioning fault on that train still has not been fixed because just 2 hours ago I received an email from Lianne Moran, who caught the same service. She said:

Hello, can you please note and pass on to the engineer that the first carriage of the 4.32 Shepparton train is very hot and —

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

Bentleigh electorate schools

Mr STAIKOS (Bentleigh) (19:08) — (13 407) My adjournment matter is for the attention of the Deputy Premier and Minister for Education, and it concerns the Andrews Labor government's current planning for secondary school provision in East Bentleigh. The action I seek from the minister is that he ensures land is acquired for a secondary school on the East Village or Virginia Park site.

It has been my greatest honour as a member of Parliament to work with schools in my electorate to secure a record \$48 million for local school upgrades — a proud record indeed, because we on this side of the house understand that few things are more important than investing in education. Our local area is

one with some very popular schools. Indeed, for many families the schools are the primary reason for moving to Bentleigh in the first place.

This of course means that our schools grow at a very, very fast rate indeed. Our area is expected to have more than 1000 extra secondary students by 2021, and our biggest secondary college, McKinnon, currently has around 2200 students. Each and every year at McKinnon there are nearly 400 year 7s enrolling, so the school is expected to continue to grow for some time. At the same time it has one of the smallest enrolment zones in Melbourne.

The proposed redevelopment of 24 hectares of industrial land in East Bentleigh presents us with a once-in-a-lifetime opportunity to provide another school or campus in the area. The Victorian Planning Authority and Glen Eira City Council have been working closely on a structure plan for the site, and I understand that will be finalised shortly. Through this process there is an opportunity for the acquisition of a 1.2-hectare site for a school, and at a recent community workshop hosted by the Victorian School Building Authority the possibility of a vertical school was discussed.

Both McKinnon and Bentleigh secondary colleges have been rebuilt by Labor governments over the years. In stark contrast you would have to go back in history a very long way to find a new building provided to these schools by a former Liberal government. In fact the East Village-Virginia Park site is located within a stone's throw of the old Murrumbeena High School closed by the Kennett government in the 1990s, which has contributed directly to the problem we have with secondary school provision in the area today — another example of that fact that while Labor invests in education, the Liberals cut to the bone. Only Labor can be trusted to deliver a secondary school at the East Village site, and I call on the minister to ensure that land is acquired for that purpose.

Gippsland rail services

Mr BLACKWOOD (Narracan) (19:11) — (13 408) I raise a matter for the Minister for Public Transport, and the action I seek is that the enormous disruption currently being experienced by Gippsland V/Line passengers be investigated and addressed by Public Transport Victoria. I raised this matter in an adjournment debate in August last year because at that time Gippsland V/Line passengers were experiencing unprecedented disruption to their daily commute. Trains were being replaced by buses often at very short notice or with no advance warning at all. The minister's response to last August's adjournment was a disgrace.

It did not address any of the issues I raised, but rather embarked on a political rant totally irrelevant to the problems facing Gippsland commuters.

During 2017 the inconvenience that Gippsland V/Line passengers were subjected to was totally unacceptable, given the benefits of the projects causing the disruption will flow almost entirely to metro passengers. This complete disregard for Gippsland V/Line commuters has continued into 2018 and has become a massive issue. Those travelling from Gippsland to Melbourne every day for work are subjected to an extra 3 hours a day in travel time. They are unable to arrive at work with consistent punctuality and are having their pay docked, with some losing 1 to 2 hours of pay each day. Because they are not given timely notice of the change to services, they are unable to put in place alternative arrangements for the period of disruption, such as annual leave or time off.

With the upgrade of the Monash Freeway, buses are often diverted off the freeway, which adds more time to the trip to work or home. When Gippsland passengers are transferred to buses at Pakenham during the peak-hour commute to Melbourne, Pakenham passengers swamp the Gippsland coaches, taking up Gippsland passengers' seats or completely filling Gippsland buses before Gippsland passengers have time to walk from the rail terminal to the coach pick-up point. And it really rubs salt into the wounds of Gippsland people when you take into account that the Metro Trains passengers pay less for their train or bus ticket than Gippsland passengers.

As a solution, it has been suggested that when the trains are not running, express bus services during peak hour to and from the major towns in Gippsland would overcome this problem. In other words, start treating Gippslanders with a bit of fairness, equity and, God forbid, some priority, given the distance of their commute. I and my fellow Gippslanders do understand the reason and the need for some disruption to services, but I plead with the minister on behalf of all long-suffering Gippsland rail travellers to at least have the communication of proposed changes advised early and often and to look at alternatives in the way buses are deployed that would alleviate some of the pain being imposed on Gippsland rail users.

Hampton Park Primary School

Ms GRALEY (Narre Warren South) (19:13) — (13 409) My adjournment matter is for the Minister for Education and concerns Hampton Park Primary School. The action I seek is that the minister visit the school to join me in opening their new state-of-the-art facilities

and see how staff and students are benefiting from their new learning spaces. Hampton Park Primary School was the first school in the local area, and it has just celebrated its 96th birthday. The Andrews Labor government made it possible for the school to modernise and have access to new science, technology, engineering and mathematics, and art learning spaces, and a resource hub for specialist programs, as well as eight new teaching spaces and an administrative wing.

The local community and I campaigned for years to secure funding, and it was no surprise that only Labor was willing to commit to the project. Whilst the school looks a little different physically from when it opened back in 1922, it has remained consistent in providing excellent education for its students, teaching them the basics and beyond, equipping them to be resilient young people able to tackle this rapidly changing and challenging world. I look forward to seeing all that they will accomplish in their brand-new facilities. I hope that the minister can come down to Hampton Park to see the new facilities and meet the terrific staff and students. I know he will be really welcome. We are all very thankful for his hard work and support.

AusNet Services

Mr TILLEY (Benambra) (19:15) — (13 410) I wish to raise a matter for the attention of the Minister for Industrial Relations. The action I seek is for the minister to intervene in an ongoing industrial dispute between AusNet Services and the Electrical Trades Union that is preventing people in my electorate from moving into their dream homes. Wodonga is one of just two locations in the state subjected to work bans after enterprise bargaining agreement negotiations between the parties broke down in late November last year. Would-be home owners were told the dispute was likely to be resolved by mid-January 2018. The latest advice we have is that it may be March at the earliest.

Builders I have spoken to suggest that at least 30 homes are simply awaiting connection, with the owners unable to move in because they cannot provide a certificate of occupancy. More homes will join the queue in coming weeks. This is now affecting home owners who should be in their dream homes, builders who expected to receive final payments and tradies, who are having to hire generators and in some instances are even walking away from jobs because there is no electricity.

The horror stories are mounting. One owner stopped work on his home because he could not afford the \$100 a day it cost for a generator. Yackandandah's Robyn King is a mother of three who is now contemplating living in a tent on her property. She and her husband

were due to move in very shortly, on 19 February. AusNet have told them that this will not be happening. They apologised for the inconvenience but could not give any idea when they might be connected. The family is renting a home and had already given notice to vacate the house and move into their new home in Osbornes Flat. The house they are renting is going to be sold. This is a hardworking family with three school-age children, looking likely to be homeless in a matter of weeks. As Robyn said to me last week, they should be excited about their future in their new home, but it is quite the opposite. They are just another casualty caught in the crossfire.

I am not arguing ideology. I am fighting for those people just wanting to move into their own homes and builders and their tradies who are a vital part of an industry and our economy. The Property Council of Australia estimates that they contribute more than 10 per cent of the economy in the Benambra district, and tradies and all other associated and related industries are part of the more than 7000 workers employed directly and indirectly in the industry in the Benambra district.

It is unfortunate, but the story and the saga continue. I have not taken sides here. I just want the best for the people of Benambra. Both the company and the union need to come back to the table sooner rather than later. Failing that, this needs the Andrews government and its industrial relations minister to bring this dispute to a head. Let us not take this lightly. These people are really suffering. They are a disputed third party and desperately need assistance from the government of the day. Let us get to the table; let us sort it out.

Seaford ambulance station

Ms KILKENNY (Carrum) (19:18) — (13 411) My adjournment matter is for the Minister for Ambulance Services, and the action I seek is for the minister to join me in visiting Seaford ambulance station to thank the paramedics there for their outstanding work. My electorate has seen some fantastic improvements in ambulance response times, thanks to the record funding boosts and major health reforms of the Andrews Labor government. Ambulance response times in the city of Frankston and the city of Kingston have improved significantly. I am very proud that the Andrews Labor government is delivering significant improvements in ambulance response times, with a Productivity Commission report showing that Victoria is the only state in Australia to improve ambulance response times over the past year. Minister, I ask that you join me in visiting the hardworking paramedics of the Seaford ambulance station.

Maryborough courthouse

Ms STALEY (Ripon) (19:18) — (13 412) My adjournment matter is for the Attorney-General, and the action seek is that he come to the Maryborough courthouse with me on a court sitting day to see for himself the inadequacy of his government's response to the safety and repair issues there. The Shire of Central Goldfields has the second highest rates of family violence offences in Victoria. Most of these matters are heard in the local Magistrates Court. This courthouse has part of its ceiling falling down. We know this because the security guards the government funded instead of fixing the facility now operate out of the room previously locked because the roof had collapsed. Half of the front door is nailed shut — too bad if people need to leave in a hurry. Rooms off the side of the court are filled with old registers or are otherwise off limits to staff, legal counsel, victims and accused, so they all mill around outside.

This government funded refurbishment of the Kyneton Magistrates Court in the marginal Labor-held seat of Macedon, but for Maryborough only part-time security guards have been supplied. This courthouse has a court users group, many eloquent victims prepared to speak of their lived experience and me, all wanting to show the Attorney-General just how urgent and how great the need is.

Fairy Hills Kindergarten

Mr CARBINES (Ivanhoe) (19:20) — (13 413) The action I seek for my adjournment matter concerns the Minister for Early Childhood Education in the other place. Can I firstly start by thanking Minister Mikakos for the \$350 000 capital grant for Fairy Hills Kindergarten in Ivanhoe, which will go a very long way towards the \$450 000 that is required to make it an all-abilities kindergarten. We have children enrolled for 2019 who require wheelchair access. It is a kindergarten that through this capital grant — a fund that has provided \$18 million for 28 kindergartens across Victoria this past year — will now be able to make those capital improvements to provide services particularly to those from my electorate attending Fairy Hills Kindergarten and to ensure that students who are enrolled who need wheelchair access in 2019, these capital works are done.

We are about \$100 000 short. I am working hard with Banyule City Council to ensure that those funds are made available in their budget this year. I am sure they will come to the party. They understand the value of kindergarten and early years services. Also regarding the capital works that are going to get underway, we will

make sure and we give assurances to those families that they can enrol their kids for 2019 and there will be access for children of all abilities at Fairy Hills Kindergarten.

I say thanks to the Fairy Hills Kindergarten parents and the kinder committee. I also say thanks to the Banyule disability advocacy committee, which has raised these issues as well. We put a good case forward. As the parent of a daughter who completed two years of preschool at the end of last year at Interlaken Kindergarten, Rosanna, I understand, like everyone here who has a family or who understands the value of early years education, how that prepares them for school. It is vital that that opportunity is available for all parents and all kids in every kindergarten across the state. This contribution of \$350 000 to Fairy Hills Kindergarten will go a very long way to making sure that access is available for every child in Ivanhoe so they can attend preschool and get the education that they need.

I will also reference Minister Mikakos and her great campaigning work regarding the \$1.9 million cut to the Take a Break program, which was for occasional care. It was a program that was cut by the Baillieu government, which demonstrated their lack of capacity to understand the needs of families and young children in the Ivanhoe electorate. This program shows the support we offer to preschools in Ivanhoe.

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

Responses

Ms NEVILLE (Minister for Police) (19:23) — I thank the member for Bayswater for raising this important issue. She is correct that as part of the RIS, the regulatory impact statement, which is out for consultation and was in fact developed in partnership largely with the firearms consultative committee, which has all of the key firearms groups involved, there was a proposal put forward in relation to a permit cost and a cost recovery component for the first time. We have had conversations with the groups who are concerned about that, and I think we can find a resolution that will satisfy them. We are in conversation with those groups now in relation to that, so I am pretty sure that people will be happy with the outcome of that.

A number of other members have raised a number of other issues, and I will refer those matters on to the relevant ministers.

The DEPUTY SPEAKER — Order! The house now stands adjourned until tomorrow.

House adjourned 7.24 p.m.