

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

**Tuesday, 7 August 2018
(Extract from book 10)**

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable KEN LAY, AO, APM

The ministry

(from 16 October 2017)

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

**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

Speaker

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

The Hon. TELMO LANGUILLER (to 25 February 2017)

Deputy Speaker

Ms J. MAREE EDWARDS (from 7 March 2017)

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

Acting Speakers

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

Leader of the Parliamentary Labor Party and Premier

The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

The Hon. J. A. MERLINO

Leader of the Parliamentary Liberal Party and Leader of the Opposition

The Hon. M. J. GUY

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

The Hon. D. J. HODGETT

Leader of The Nationals

The Hon. P. L. WALSH

Deputy Leader of The Nationals

Ms S. RYAN

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn ²	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	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
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John ⁵	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David ⁶	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison ⁷	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard ⁸	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian ⁹	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahan	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Thorpe, Ms Lidia Alma ¹⁰	Northcote	Greens
Kairouz, Ms Marlene	Kororoit	ALP	Tilley, Mr William John	Benambra	LP
Katos, Mr Andrew	South Barwon	LP	Victoria, Ms Heidi	Bayswater	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kilkenny, Ms Sonya	Carrum	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Knight, Ms Sharon Patricia	Wendouree	ALP	Ward, Ms Vicki	Eltham	ALP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Watt, Mr Graham Travis	Burwood	LP
Lim, Mr Muy Hong	Clarinda	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
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 Hodggett, 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 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*): Dr Carling-Jenkins and Mr Gepp.

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, 7 August 2018

The SPEAKER (Hon. Colin Brooks) took the chair at 12.02 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER (12:03) — 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.

Before calling questions, members will be aware that last sitting week I removed quite a number of members from question times during the sitting week. I think question time was more robust than members of the public would expect it to be. I understand it is a robust forum, but I do ask members to refrain from shouting across the chamber in question time so that we can have a functioning question time.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) (12:03) — I advise that the Minister for Finance will be absent from question time this week. The Treasurer will answer any questions in the finance portfolio, and the Minister for Women will answer questions in the multicultural affairs portfolio.

MINISTERIAL CONDUCT

Mr GUY (Leader of the Opposition) (12:04) — I desire to move, by leave:

That this house calls on the Premier immediately to stand down the Attorney-General, the Special Minister of State, the Minister for Energy, Environment and Climate Change, the Minister for Corrections, the Minister for Families and Children and the Minister for Sport pending the outcome of the police investigation into their roles in the Labor red shirts riots.

Leave refused.

**QUESTIONS WITHOUT NOTICE and
MINISTERS STATEMENTS****Ministerial conduct**

Mr GUY (Leader of the Opposition) (12:04) — My question is to the Premier. Premier, six of your ministers are now subject to a criminal investigation by the Victoria Police fraud and extortion squad. Previously political leaders of both sides of politics have acted with integrity and stood down ministers who are the subject

of police criminal investigations. Premier, why won't you stand down these six ministers?

Mr ANDREWS (Premier) (12:05) — I thank the Leader of the Opposition for his question. The Leader of the Opposition asserts that investigations basically relate to certain individuals. I am in no position to confirm what he has put to me — none whatsoever. If the Leader of the Opposition wants to know who is or is not being investigated, who is or is not being questioned or approached, he would need to contact Victoria Police because these matters are completely at arms-length from the government.

Supplementary question

Mr GUY (Leader of the Opposition) (12:05) — Three years ago, Premier, you stood down Adem Somyurek because he was being investigated by the Department of Premier and Cabinet — in your words — for the sake of integrity in government. Premier, how can you justify standing down one minister three years ago because he was the subject of an internal departmental investigation, but three years later and after an Ombudsman's report, refuse to stand down six ministers who are the subject of a Victoria Police fraud and extortion squad criminal investigation?

Honourable members interjecting.

The SPEAKER — Order! I have just warned members not to shout across the chamber.

Mr ANDREWS (Premier) (12:06) — I again thank the Leader of the Opposition for his question. As is so often the case, it is filled with assumptions from the all-knowing Leader of the Opposition. I would simply refer the Leader of the Opposition to my answer to his substantive question.

Ministers statements: Metro Tunnel

Mr ANDREWS (Premier) (12:06) — I am very pleased to rise to update the house and all Victorians on the biggest public transport project since the city loop, the Metro Tunnel: five brand-new underground stations, 9 kilometres of track, a turn-up-and-go public transport system. A project left on the shelf to gather dust by — who might I be referring to — the do-nothing brigade. The people who were in caretaker mode for four long years —

Honourable members interjecting.

The SPEAKER — Order! The Premier will resume his seat. The level of shouting across the chamber is excessive. I warn members I will remove them from the

chamber without warning if they shout across the chamber.

Mr Clark — On a point of order, Speaker, the Premier is getting far too agitated for this point in question time and is proceeding to debate matters. I ask you to bring him back to compliance with sessional orders.

The SPEAKER — Order! The Premier had strayed from making a ministers statement.

Mr ANDREWS — Thank you for your guidance, Speaker, and the member for Box Hill's example. It is an exciting project, one that I would think was of such significance that even the member for Box Hill could get excited by it. Seven thousand jobs are being created because rather than talking about this project and letting it gather dust on the shelves in those four years of indolence, we are actually getting on and building it.

And why is that important today? Well, there has been a significant construction milestone. Piling work has started so that we can get that station box built as a critical component of this overall project, taking the busiest line out of the city loop and creating its own line for the busiest line in our system — a turn up and go, no timetable required. But it is not just 7000 good jobs, as important as that is. It is also hundreds and hundreds of apprentices and trainees on this project and other projects across the city and state — something those opposite could never have ever delivered and they did not.

The SPEAKER (12:09) — Order! Before calling the Leader of the Opposition, I understand we have two Queensland MPs in the gallery. I would like to welcome Rob Molhoek, the member for Southport, and Jon Krause, the member for Scenic Rim.

Member conduct

Mr GUY (Leader of the Opposition) (12:09) — My question is to the Premier. In an email to Labor Party members dated last Friday, 3 August, Premier, your assistant state secretary, Stephen Donnelly, accused Victoria Police of 'heavy-handed and completely unnecessary treatment' for arresting former and current Labor Party staff, activists and candidates on Victoria Police's reasonable suspicion they had committed a criminal offence. As Leader of the Victorian Labor Party and Premier of Victoria, do you stand by the Labor Party's criticism of the conduct of Victoria Police?

Honourable members interjecting.

The SPEAKER — Order! I have issued a number of warnings about people shouting across the chamber,

but people continue to shout across the chamber. People will be removed without warning. Before I call on the Premier to answer the question, I remind him about the practice in this place in relation to question time of referring to internal party matters which are not government business. I invite the Premier to answer the question as it relates to his portfolio responsibilities.

Mr ANDREWS (Premier) (12:11) — Thank you very much, Speaker, and I thank you for your guidance. The only way I can respond to the Leader of the Opposition is to indicate that correspondence, statements, actions —

Honourable members interjecting.

Mr ANDREWS — Well, you could have got Bill Tilley to ask the question, I suppose, but you did not, did you. But you did not get the member for Benambra to ask the question. These matters are entirely a matter for the —

Mr Walsh — On a point of order, Speaker, I realise the Premier has only been speaking for a short time, but the Premier is on the public record saying he takes responsibility for everything that happens on his watch. This is something that has happened —

Honourable members interjecting.

The SPEAKER — Order! The Leader of The Nationals has the call.

Mr Walsh — This is something that has happened on his watch, and I ask you to bring him back to actually answering the question, please.

Honourable members interjecting.

The SPEAKER (12:12) — Order! The member for Essendon will leave the chamber for the period of 1 hour.

Honourable member for Essendon withdrew from chamber.

The SPEAKER — Order! I do not uphold the point of order, but I do take the opportunity to ask the Premier to refer to members in this place by their correct title.

Mr ANDREWS — As I was saying, those comments made by registered officers of a political party —

Honourable members interjecting.

Mr ANDREWS — Well, those opposite clearly have not listened to the ruling that you have just given about the fact that those matters relate to the affairs of a political party and therefore should be the subject of questioning of registered officers of that political party, not ministers of the Crown.

Mr R. Smith — On a point of order, Speaker, for the record the political party that the member is talking about is the Australian Labor Party and, mate, it is not just Hansard recording you, is it? It is not just Hansard recording you.

The SPEAKER — Order! The member for Warrandyte will resume his seat. There is no point of order.

Supplementary question

Mr GUY (Leader of the Opposition) (12:13) — Noting that impeding a police investigation is a criminal offence, as is perverting the course of justice, and carries serious criminal penalties, and given that Labor's state president Hutch Hussein; state secretary Sam Rae; assistant state secretaries Kosmos Samaras and Stephen Donnelly; and MPs like the member for Carrum and the member for Eltham have all publicly attacked or supported attacks on Victoria Police for seeking to uphold the law, Premier, what action will you take to stop your party from making any further attempts to pressure Victoria Police to wind back their investigation?

Honourable members interjecting.

The SPEAKER (12:14) — Order! The member for Ferntree Gully will leave the chamber for the period of 1 hour.

Honourable member for Ferntree Gully withdrew from chamber.

The SPEAKER — Order! I renew my earlier ruling around issues relating to internal party matters, but I ask the Premier to answer the supplementary question.

Mr ANDREWS (Premier) (12:14) — Speaker, I was waiting for the member for Box Hill to take a point of order. The Leader of the Opposition seems to be getting quite excited. I reject each and every one of the assertions in his pathetic supplementary question.

Ministers statements: economy

Mr PALLAS (Treasurer) (12:14) — It gives me great pleasure to update the house on the continued strength of Victoria's economy, which is leading the

nation thanks to our record infrastructure investment. Last week CommSec's *State of the States* report revealed what we have all known for some time: that Victoria's economy is the best in the nation, overtaking New South Wales for the first time in that measure's history. We are now number one, where we belong, a stark contrast to where we were three and a half years ago, stuck at the bottom of the pack with an economy that was doing very little — much like those opposite. Our current economic renaissance is thanks to a government investing in infrastructure and making sure that Victorians get the infrastructure they deserve.

Yesterday Deloitte Access Economics reported that Victoria is in the midst of an infrastructure boom. Damn right it is, as we build new schools, new hospitals, better roads and we make record investments in our public transport system. All this has meant one other thing of course: 340 000 jobs created by this government. While we were busy delivering, those opposite were busy dithering. We have invested in our most valuable asset, our people. We have invested in creating new jobs and grown our TAFE system. Those opposite were the Bermuda Triangle of political parties. Things just disappeared: 800 new hospital beds vanished, Avalon railway was never heard of again, no Rowville rail and of course the National Party's big black cat was missing in action, just like they were for three and a half —

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

Member conduct

Mr GUY (Leader of the Opposition) (12:16) — My question is to the Attorney-General. Attorney-General, you are named on page 76 of the Ombudsman's report as a participant in the red shirts scheme, which the Ombudsman described as an artifice and as wrong. You are the first law officer of this state. You and your actions at the 2014 election are now under criminal investigation. As the custodian of Victoria's legal system and first law officer, yet now a person under criminal investigation, why have you not stood aside?

Mr PAKULA (Attorney-General) (12:17) — I thank the Leader of the Opposition for the question. Again, he makes a whole bunch of assertions that he has absolutely no idea about. He certainly did not stand the member for Ovens Valley down —

Honourable members interjecting.

The SPEAKER (12:17) — Order! The member for Kew will leave the chamber for the period of 1 hour.

Honourable member for Kew withdrew from chamber.

Mr PAKULA — These matters are with Victoria Police. Victoria Police ought to be able to conduct their investigation without undue pressure from the Leader of the Opposition and without his baseless assertions about their investigation.

Supplementary question

Mr GUY (Leader of the Opposition) (12:18) — As the state's first law officer, do you support the role of Victoria Police in their investigation of the misuse of parliamentary budget entitlements by former and current Labor Party staff, activists and candidates, or do you stand with the member for Carrum, whose comments on Facebook stated about the arrests: 'What happened today should never have happened'.

Mr PAKULA (Attorney-General) (12:19) — I will tell you what I support. I support the ability of Victoria Police to conduct their investigations without undue political interference, which was the example of a former government, the Baillieu government. Victoria Police do not need advice or opinion from me or other ministers. They certainly do not need it from the Leader of the Opposition, and what we will not do is what the former Baillieu government did, which was to interfere in the administration of Victoria Police.

Honourable members interjecting.

The SPEAKER (12:19) — Order! The member for Ripon will leave the chamber for the period of 1 hour.

Honourable member for Ripon withdrew from chamber.

Mr Clark — On a point of order, Speaker, the Attorney-General is repeatedly debating the issue. He was asked a very straightforward question about whether he supported the role of Victoria Police in this investigation. I ask you to bring him back to answering that question.

The SPEAKER — Order! The Attorney-General has concluded his answer and was responsive to the question that was asked.

Ministers statements: public transport infrastructure

Ms ALLAN (Minister for Public Transport) (12:20) — We have just heard the Treasurer talk about a massive infrastructure boom that is underway here in Victoria — \$100 billion of work — and of course a big component of that is the work that is going on right across the state on our public transport projects. It is in stark contrast to four years ago when not a single major public transport project was even started in this state. Four years on, the contrast is stark. It does not matter. Right across Victoria we are getting on with delivering public transport projects, with tens of billions worth of public transport projects employing tens of thousands of Victorians.

The Metro Tunnel is a full year ahead of schedule; 26 level crossings have now been removed; work is underway on our Regional Rail Revival program, upgrading every regional rail passenger line in Victoria; and of course later this month — where is the member for Yan Yean? — the trains start running to Mernda. In a couple of weeks the trains will be running to Mernda.

There is more to come. Just last week I joined the Premier, the member for Eltham, the member for Yan Yean, the member for Ivanhoe was there, indeed the member for Burwood —

Honourable members interjecting.

Ms ALLAN — Sorry, the member for Bundoora was also there — not the member for Burwood — to announce the stage 2 works on the Hurstbridge line. We can only talk about stage 2 of the Hurstbridge line upgrade because the Andrews Labor government has delivered stage 1 of the Hurstbridge line upgrade — getting rid of two level crossings, duplicating the track and building a new station at Rosanna — and stage 2 will deliver more. There is \$530 million to duplicate key sections of the track and get us 10-minute services to Eltham.

Those opposite cannot deliver on this commitment. Their alternative is undercooked, undercosted and would massively sell short the communities along the Hurstbridge line.

Aboriginal Representative Body

Ms THORPE (Northcote) (12:22) — My question is for the Minister for Aboriginal Affairs. During our negotiations regarding the treaty legislation you supported our proposal to hold a statewide meeting where, for the first time in two years of consultation,

clans, First Nations and traditional owner groups would be formally invited to have their say about treaty. You stated that the Victorian treaty advancement commissioner will hold this meeting to 'discuss the establishment of the Aboriginal Representative Body'. It is with deep disappointment that in our meeting with the commissioner she stated that at this statewide meeting she would present the model for the Aboriginal Representative Body but not to consult on it. Minister, what will you do to ensure that the leaders of the first peoples of Victoria are publicly and collectively consulted on the Aboriginal Representative Body for treaty?

Ms HUTCHINS (Minister for Aboriginal Affairs) (12:23) — I thank the member for her question. There will be a statewide forum on 25 September, and I welcome the opportunity to bring Aboriginal Victorians together yet again. This will be, I think, the fourth time we have done this over four years. The treaty commissioner has committed on the day before this meeting to bring together elders from all across the state to have a discussion, on the 24th, in depth about the process going forward with treaty. There are no predetermined outcomes in those discussions. At the statewide forum on the 25th hopefully elders will choose to stay and be a part of that as well.

I welcome those discussions going forward because I know from the feedback that I am getting from community that people are welcoming the process that this Parliament has passed. The treaty commissioner is doing a sterling job in getting out across the community and consulting and making sure that this process is moving forward in a steadfast time. We know that the Aboriginal Representative Body will hopefully be in place by middle of next year, but the processes are still to be finalised and worked through that statewide forum.

Supplementary question

Ms THORPE (Northcote) (12:24) — Minister, I cannot express strongly enough how disrespectful this will be — that elders and senior representatives of the first peoples would be asked to come from across Victoria only to be told to shut up and listen to what is going to happen by a government-appointed official. This flies in the face of self-determination, which is now enshrined in legislation as a guiding principle for the treaty process. Instead of choosing the model based on advice from elders or leaders from the first peoples, the government has chosen to manufacture advice from a collection of hand-picked Aboriginal people for the pathway to treaty. Why is the government taking every opportunity to disrespect our culture by not getting

advice from a wide spectrum of clans and First Nations on representation of their peoples?

Ms HUTCHINS (Minister for Aboriginal Affairs) (12:25) — I thank the member for her question, but I refute the premise of the question around this government being disrespectful towards Aboriginal Victorians. In fact this process has been long, comprehensive and wide reaching, and quite frankly the member who asked the question chose to walk away from the process during the time when we were talking about a way forward.

We have committed to a forum with elders. We have committed to a statewide forum that is an open forum for all Aboriginal Victorians to come to move forward on an Aboriginal Representative Body with the end aim in this state of having a treaty.

Ministers statements: roads

Mr DONNELLAN (Minister for Roads and Road Safety) (12:26) — I rise to update the house on the progress the Andrews government has made to reinvigorate road construction in this state. We know that when we came to government there had been 450 people taken out of VicRoads. We had no business cases, and construction had ground to a halt. We know that the other side had a bit of a penchant for cutting and we had got the growth rate down to 0.8 of a per cent, so literally nothing was happening.

But we know that our government has very much reinvigorated VicRoads. We have set up a Major Road Projects Authority to actually undertake all of those suburban duplications we are doing. We have also set up the Regional Roads Victoria division, which is based in Ballarat. We know we have had record funding for regional and country roads, and this is what this unit will now undertake.

But we will not be cutting. As you know, the only thing we will be cutting on this side of the house is the travel times for the commute to get home, whether it be on the Monash or whether it be the CityLink-Tullamarine widening. What are the alternatives? What other ways could you look at this infrastructure challenge? Well, you could release an infrastructure policy with a project that has no starting point and no end point or has multiple end points. You could double the length of the tunnel all for the same price. It very much looks like a scene out of *I Dream of Jeannie*, where you have the opposition leader and the member for Hastings rubbing the magic lobster claw and out pops Uncle Tony —

Mr Clark — On a point of order, Speaker, the minister is both debating the issue and defying your authority. I ask you to ask him to come back to making a ministers statement and to respect the authority of the Chair.

The SPEAKER — The minister to come back to making a statement.

Mr DONNELLAN — On this side of the house there are no daydream believers. We know you have to do the hard work to get the projects done, whether it is the extensive consultation we are undertaking on the north-east link, whether it is a project that has already started in the west at Dohertys Road or whether it is the suburban duplications. You need to plan and do the work, and you cannot dream.

Prisoner day release

Mr GUY (Leader of the Opposition) (12:29) — My question is to the Premier. Premier, I refer to the convicted killer who has been granted day release to play local football, socialise and attend regular football training. Premier, will you immediately step in and guarantee that David Cassai's killer will not be released to play football this weekend and will not play again until the current review of this instance of day release is concluded?

Mr ANDREWS (Premier) (12:29) — I thank the Leader of the Opposition for his question, and yes, I can confirm that while a review into this matter is being conducted there will be no day release for the prisoner in question. He committed an evil act. He committed a senseless crime. For the family of his victim, we are all I think very sorry that they have had to relive the tragedy that no doubt they carry with them every single day. This was a decision that was made by Corrections Victoria. That decision is being reviewed, and it is being reviewed as a matter of urgency.

Mr Guy interjected.

Mr ANDREWS — The Leader of the Opposition is completely wrong when he submits that, completely wrong when he submits that.

Mr Guy interjected.

Mr ANDREWS — Well, the minister I think has spoken with relevant family members today and assured the family that the government takes these matters very seriously. There is a review. We are all of us terribly sorry if there has been — and clearly there has been — a retraumatisation of that family, who carry the death of their son with them every single day. This

is not the way it should have unfolded from a Corrections Victoria point of view. It will be reviewed. It is being reviewed, and there will be no day release for football or any other purposes while that review is being conducted.

Supplementary question

Mr GUY (Leader of the Opposition) (12:31) — David Cassai's mother, Caterina Politi, yesterday said:

I am insulted, I'm offended. It's never about victims.

I hear this and I think why? The government says it wants to change things but it's all lip-service. They don't want to change anything; they just want to keep it the way it is.

Caterina is aware this question is being asked today, Premier. The corrections commissioner told 3AW this morning there are a further 10 prisoners who play local football on the same day-release program as David Cassai's killer. Premier, how many of these 10 prisoners have convictions for violence-related offences, and will any of them be let out to play football this weekend?

Mr ANDREWS (Premier) (12:31) — The family of David Cassai is, just as we are, shocked to learn about the person found guilty and sentenced on a manslaughter charge but responsible for the death of their son. They should not be going through the retraumatisation, the pain and the anguish that they are having to go through right now. We would not any of us in this place wish that upon any family, any family whatsoever.

Mr Guy — On a point of order, Speaker, on relevance. I am loath to interrupt the Premier on this, but I did ask a question about the corrections commissioner stating that 10 prisoners — 10 further prisoners — are out on the same program and are out playing football in the same way as David Cassai's killer. I asked the Premier: how many of those prisoners have convictions for violence-related offences and how many of those people will be playing football this weekend? With 20 seconds remaining, I ask you to ask the Premier to answer that question.

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

Mr ANDREWS — It is the same, Speaker. As I was attempting to say, it is not my expectation or I think the expectation of any fair-minded Victorian that anybody in custody for a violent offence would be out playing football unless and until they have served their time and have been released.

Ministers statements: new schools

Mr MERLINO (Minister for Education) (12:33) — I rise to update the house on the delivery of new schools across Victoria’s growing suburbs. Tonight, Australia’s population will hit 25 million people, and we have all known for quite some time on both sides of this house that Victoria’s population has been growing faster than any other state.

In terms of schools, enrolment growth significantly picked up from 2011, with an average of 10 000 additional students every year since then, but unlike those opposite — who failed to fund a single piece of land for new schools in their final budget, who through their budget cuts ensured that not one new school opened in 2016 — on this side of the house we have made the critical investments in new land and new schools in the areas that need it most. Nine new schools will open next year and a further 11 new schools will open in 2020.

I note that the member for Altona, the Minister for Health, turned the first sod at the new Point Cook South senior secondary school last week. That is one of nine new schools in the Wyndham local government area alone, and it will cater for 1100 students in one of the fastest growing areas in the country. The member for Keysborough, the Attorney-General, last week turned the first sod of the new Keysborough Primary School, which will cater for 475 students.

Three of the 11 new schools opening in 2020 have now begun construction, and the remaining eight are to start construction by the end of the year, to open in term 1, 2020. This has delivered more than 5000 jobs and is responding to the growth in our state — only under a Labor government.

Ms McLeish — On a point of order, Speaker, on 6 June I put a constituency question to the Minister for Education. It is now a month over its due date and I would appreciate it if it could be chased up. Also, on 7 June I had a question on notice to the Minister for Housing, Disability and Ageing, which still has not been responded to, and I would also appreciate that one being followed up. The numbers are 14 495 and 14 519.

The SPEAKER — I thank the member for Eildon for that point of order. I will raise those matters with the relevant ministers.

Ms Thorpe — On a point of order, Speaker, on 6 March I directed a question on notice to the Minister for Aboriginal Affairs, question 14 075, regarding the

Bringing Them Home report. This is still unanswered. On 21 June I asked the Minister for Roads and Road Safety to act to protect my people’s sacred gums via an adjournment matter. This is question 14 623 and it is also overdue. Can you please direct the relevant ministers to provide a response.

The SPEAKER — I thank the member for Northcote for that point of order. I will follow those up with the relevant ministers.

CONSTITUENCY QUESTIONS

Warrandyte electorate

Mr R. SMITH (Warrandyte) (12:37) — (14 727) My constituency question is for the Minister for Education, and in asking I refer to the minister’s answer to question 13 330. The minister stated in his answer that Donvale Primary School, Anderson’s Creek Primary School and Park Orchards Primary School were scheduled to have asbestos removed by 30 June 2018. Discussions with these schools, as well as Heatherwood School and Beverley Hills Primary School, which were not listed in the original answer, have clearly shown that either only small amounts or in fact no asbestos has been removed by your deadline. Minister, can you provide an update for the asbestos removal program for the five schools that I have listed. If there is funding for these schools, then it is urgently needed for the removal of asbestos at these schools in line with the policy this government committed to and that you promised but appear to have lied about.

The SPEAKER — Order! The member for Warrandyte knows that that is not appropriate parliamentary language.

Mr R. Smith — Lying is not very appropriate either, to be honest.

The SPEAKER (12:38) — Order! The member for Warrandyte will leave the chamber for the period of 1 hour.

Honourable member for Warrandyte withdrew from chamber.

St Albans electorate

Ms SULEYMAN (St Albans) (12:38) — (14 728) My constituency question is for the Minister for Sport. Churchill Reserve in St Albans is home to the St Albans Saints Dinamo Soccer Club, which is a fantastic sporting club that promotes the benefits of physical activity, sports and wellbeing. My office has been working with the club since 2015 to improve the

facilities. The club has recently applied to the World Game Facilities Fund. This funding will go directly towards the upgrading of floodlighting at Churchill Reserve to cater for night games and increase the capacity for the participation of juniors and females at the club. When can the minister provide an update on the World Games Facilities Fund application to upgrade the floodlighting at Churchill Reserve?

Gippsland South electorate

Mr D. O'BRIEN (Gippsland South) (12:39) — (14 729) My question is to the Minister for Health, and I ask: what assistance is the government providing to the Yarram and District Health Service (YDHS) to recruit new doctors to service the town and district? As I have raised with the minister before, there is significant community concern in and around Yarram about the inability of the town to attract enough GPs to service the town and surrounding area. YDHS currently operates the Yarram Medical Centre and has been struggling to attract new GPs. There are currently just two full-time permanent GPs in the town, although I am advised that an additional doctor is due to begin work this week and another is promised. However, we have had these hopes raised before only to be dashed.

There is great concern within the community. Unfortunately, a number of rumours are circulating, and it is important that the hospital and the government respond with the facts on the situation. I call on the government to do whatever it can to work with YDHS and the commonwealth to help attract new GPs to the town.

Thomastown electorate

Ms HALFPENNY (Thomastown) (12:40) — (14 730) My question is to the Minister for Education, and I ask: will there be new guidelines for the management of students with diabetes in schools? I have previously asked a question about the way students with type 1 diabetes have been treated in schools — public, private and Catholic — in the Thomastown electorate and many other electorates.

Following this being raised, a number of parents met with ministerial advisers and Department of Education and Training representatives. I would not be exaggerating to say that everyone in the room was surprised and dismayed at some of the sad stories and the ignorance that families have encountered. We also heard of schools that have done things very well. As a result of this meeting and further consultations, parents are hopeful that the government will act on their information and that things will change for the better.

Eildon electorate

Ms McLEISH (Eildon) (12:41) — (14 731) My constituency question is directed to the Minister for Roads and Road Safety, and it relates to an adjournment matter I raised with him on 30 November 2017. At the time, I called on the minister to ensure improvements would be made to the Maroondah Highway at Woodfield, near Bonnie Doon, so that the risk of accidents would be reduced and safety improved for the people living in this part of rural Victoria.

The minister responded in January, saying VicRoads would list the intersections of the Maroondah Highway with Ancona Road, Coles Road and Woolshed Road on the register of potential road safety improvements to be funded under the Building our Regions program. Can the minister provide an update on the progress of these needed improvements, including an indication of when my constituents will likely see these works take place? It was certainly positive news for the Mansfield community when it learnt of the minister's response to my original request. I sincerely hope that it was not a case of providing false hope and that the government is fair dinkum about improving road safety on the busy Maroondah Highway.

Yuroke electorate

Ms SPENCE (Yuroke) (12:42) — (14 732) My constituency question is to the Minister for Education. What is the latest information on how students in the Yuroke electorate are being supported by the Andrews Labor government's Camps, Sports and Excursions Fund? This fund ensures that every student, regardless of their background, gets the chance to go on camps and excursions with their friends and learn more about the world. This investment stands in stark contrast to the record of the previous Liberal government, which axed the education maintenance allowance that 3845 students in the Yuroke electorate relied on to help with basic schooling costs. I thank the minister for his outstanding work in ensuring that access to education is equitable, and I look forward to his response.

Morwell electorate

Mr NORTHE (Morwell) (12:42) — (14 733) My constituency question is to the Minister for Mental Health. Minister, what is the latest information concerning funding for a residential drug and alcohol rehabilitation facility for Central Gippsland? In March this year many families from the Morwell electorate visited Parliament when I asked the following question: is any of the \$9.7 million allocated in the 2017–18 budget for the purposes of planning for a regional

residential facility actually going to be invested in Central Gippsland? This question remains unanswered.

A number of parents who have had children contending with the scourge of drugs, including one of my constituents, Sue McManus, have requested me to again plead with the state government to provide funding for this much-needed facility. Many local organisations, including the Latrobe Health Assembly, the Latrobe Community Health Service, the Latrobe Regional Hospital, Latrobe City Council and the community more broadly, have pledged their support. The priority must be helping people to get well and giving them the best chance at a successful, sustainable recovery, and a residential drug and alcohol rehabilitation facility in Central Gippsland is absolutely critical in this regard.

Ivanhoe electorate

Mr CARBINES (Ivanhoe) (12:43) — (14 734) My constituency question is to the Deputy Premier, the Minister for Education, and the question I ask is for information on the redevelopment of the Viewbank College \$11.5 million performing arts centre and associated classrooms — a date for the completion of works on that project. I was out there just last Friday for the inaugural production, *Singin' in the Rain*, which had been running all week. Thousands of students had gone through it — not only those involved in the performances but also families and friends who came to view those performances. It was fantastic last Friday night to be in that new performing arts centre, and of course the associated science, technology, engineering and maths classrooms are also now in use by over 1300 students at the college — my old college. I was very pleased to spend time and celebrate with them last week. With associated car park works and a few finishing touches to be done for the gala night on 18 October, I look forward to that information.

Bass electorate

Mr PAYNTER (Bass) (12:44) — (14 735) Minister, will you make a one-off capital grant to the Wonthaggi Primary School for a refurbishment of the swimming pool at the school? Already in need of some work, the pool was made inoperable by senseless vandalism.

The SPEAKER — Order! Can the member for Bass identify which minister the question is directed to?

Mr PAYNTER — The Minister for Education.

Since 1923 thousands of Wonthaggi children have learnt to swim at the Wonthaggi Primary School

swimming pool. The pool has historical significance and has a role to play in the rich history of the town. Swimming pools in schools are rare in the 21st century and must be maintained. Excavated by hand by local miners and the community on 30 September 1922, the pool is a local treasure and a significant asset to the school and the community. An immediate capital grant of \$60 000 would get the pool operational before the upcoming summer, which would be warmly welcomed by the entire school community.

Yan Yean electorate

Ms GREEN (Yan Yean) (12:45) — (14 736) My constituency question is to the Minister for Sport, and I ask: when will he be announcing the successful applicants for round 5 of the defibrillators for sporting clubs and facilities program? The minister and I both know how important this program is. He knows this due to his own personal experience, which he has successfully recovered from. I lost my own father on the cricket field due to a heart attack, and I would love to think that no other family would suffer what our family suffered.

I was pleased to see Liam Birch at the Wallan Football and Netball Club last Saturday. He is recovering well. He is only 17-years-old but he was resuscitated with a defibrillator only about six weeks ago. He has nominated Tony Freeman for a First Aid Champion Award. I look forward to hearing the answer from the minister.

Mr Watt — On a point of order, Speaker, the member for Yan Yean just asked a question which I do not believe was a constituency question. She asked a question about successful applicants across the state. Although she did make a statement in the second half of her time that did not necessarily relate to the question, which was not a constituency question but much more of a broader, statewide question.

Mr J. Bull — On the point of order, Speaker, I believe the member for Yan Yean asked when the applications would be announced. Therefore the question should be ruled in order.

The SPEAKER — I understand the point of order being raised and debated. I think the point of order raised by the member for Burwood was as to whether the particular question as part of the constituency question related to the member's constituency. I did not hear the entirety of the member's contribution because I was distracted by another member. I will review *Hansard* and come back to the house. I should also issue a general warning that the wording of a number of

constituency questions today, in terms of how they asked for information, could be looked at, so I again ask members to make sure that they word their constituency questions appropriately.

RULINGS BY THE CHAIR

Questions without notice

The SPEAKER (12:48) — Before moving on, I wanted to make a couple of rulings relating to issues from the last sitting week. The manager of opposition business took a point of order on the last sitting Wednesday about the responsiveness of the Deputy Premier's answers to the first substantive and supplementary questions asked by the Leader of the Opposition. I have reviewed the transcript and consider both answers to be responsive to the questions asked.

Last sitting Thursday the member for Melbourne asked me to review the responsiveness of the Minister for Energy, Environment and Climate Change's answer to the member for Northcote's supplementary question. I rule that the answer was not responsive and request the minister to provide a written response in accordance with sessional orders.

Also last sitting Thursday, the member for Ripon took a point of order, which the Acting Speaker referred to me, about the member for Clarinda's constituency question. After reviewing *Hansard* I rule that the member's question was phrased as seeking an action, rather than asking for information, and therefore is out of order.

RESIDENTIAL TENANCIES AMENDMENT BILL 2018

Introduction and first reading

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) (12:49) — I move:

That I have leave to bring in a bill for an act to amend the Residential Tenancies Act 1997, to make consequential amendments to that act and other acts and for other purposes.

Mr CLARK (Box Hill) (12:49) — I ask the minister to provide a brief explanation of the bill.

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) (12:49) — The bill delivers on the Andrews Labor government's commitment to ensure Victorians who rent have access to fairer, safer housing. This bill is a watershed moment in Victoria's regulation of the residential tenancy market. It implements a package of over 130 reforms to ensure that the Residential Tenancies Act 1997 meets

the extending needs of residential market participants while remaining adaptable to future change.

Motion agreed to.

Read first time.

OPEN COURTS AND OTHER ACTS AMENDMENT BILL 2018

Introduction and first reading

Mr PAKULA (Attorney-General) (12:50) — I move:

That I have leave to bring in a bill for an act to amend the Open Courts Act 2013 in relation to the prohibition and restriction of the publication of information in court and tribunal proceedings, to make related amendments to the Children, Youth and Families Act 2005 and the Judicial Proceedings Reports Act 1958 and for other purposes.

Mr PESUTTO (Hawthorn) (12:50) — I ask for an explanation from the Attorney-General.

Mr PAKULA (Attorney-General) (12:50) — I can advise the member for Hawthorn that the bill is the first tranche of reforms to implement the recommendations of Frank Vincent's review of the Open Courts Act 2013. The bill will address a number of legislative recommendations, including to emphasise the importance of open justice under the Open Courts Act; to prevent suppression orders being made under the Open Courts Act when provisions under other legislation apply; to require reasons to be given for suppression orders made; to enable suppression orders to continue until the determination of an appeal unless varied or revoked by the appellate court; to enable disclosure by a court of relevant juvenile convictions where a person continues to seriously offend as an adult, subject to certain safeguards; and to enable adult victims of sexual and family violence offences to speak more openly about their experiences.

Motion agreed to.

Read first time.

TRANSPORT LEGISLATION AMENDMENT (BETTER ROADS VICTORIA AND OTHER AMENDMENTS) BILL 2018

Introduction and first reading

Mr DONNELLAN (Minister for Roads and Road Safety) (12:52) — I move:

That I have leave to bring in a bill for an act to amend the Business Franchise (Petroleum Products) Act 1979, the Commercial Passenger Vehicle Industry Act 2017, the Heavy Vehicle National Law Application Act 2013, the Major Transport Projects Facilitation Act 2009, the Road Safety Act 1986, the Transport Integration Act 2010, the Transport (Compliance and Miscellaneous) Act 1983, the Transport Legislation Amendment (Road Safety, Rail and Other Matters) Act 2017, to make consequential amendments to other acts and for other purposes.

Mr CLARK (Box Hill) (12:52) — I ask the minister to provide a brief explanation of the bill.

Mr DONNELLAN (Minister for Roads and Road Safety) (12:52) — The bill will implement the government's commitments as part of Project 10 000 to develop legislation for the Better Roads Victoria trust account, and that will receive funds from both traffic camera and speeding fines. Also, the act will reduce the burden on courts and free up court resources by transferring responsibility for managing alcohol interlocks from the courts to VicRoads. It will also improve efficiency, effectiveness and operation of transport legislation by making miscellaneous, minor and technical amendments.

Motion agreed to.

Read first time.

GAMBLING REGULATION AMENDMENT (WAGERING AND BETTING) BILL 2018

Introduction and first reading

Mr PALLAS (Treasurer) (12:53) — I move:

That I have leave to bring in a bill for an act to amend the Gambling Regulation Act 2003 to alter the tax arrangements in relation to wagering and betting and to make consequential amendments to the Taxation Administration Act 1997 and for other purposes.

Mr M. O'BRIEN (Malvern) (12:54) — I ask the Treasurer to provide a brief outline of the content of the bill.

Mr PALLAS (Treasurer) (12:54) — Certainly, and I thank the member for Malvern for his question. The bill will amend the Gambling Regulation Act 2003 and the Taxation Administration Act 1997 to replace the current place of supply wagering tax structure with a point of consumption tax, where the tax liability will be determined based on the location of the consumer rather than the operator.

Motion agreed to.

Read first time.

MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2018

Introduction and first reading

Mr PALLAS (Minister for Resources) (12:55) — I move:

That I have leave to bring in a bill for an act to amend the Criminal Procedure Act 2009, the Mineral Resources (Sustainable Development) Act 1990, the Mineral Resources (Sustainable Development) Amendment (Latrobe Valley Mine Rehabilitation Commissioner) Act 2017 and for other purposes.

Mr M. O'BRIEN (Malvern) (12:55) — I ask the Minister for Resources to provide a brief explanation of the content of the bill.

Mr PALLAS (Minister for Resources) (12:55) — I thank the member for Malvern. The bill fulfils the recommendations of the Hazelwood mine fire inquiry rehabilitation report relating to the rehabilitation and the closure of licensed mines. It also improves the operation of the Mineral Resources (Sustainable Development) Act 1990 — the MRSDA — including the grant licence applications, compensation agreements and prospecting licences.

Motion agreed to.

Read first time.

NOTICES OF MOTION

Notice of motion given.

Mr MERLINO having given notice of motion:

Mr Watt — On a point of order, Speaker, I am just after some clarification. The minister has just used individuals' names rather than their seats. I thought —

Honourable members interjecting.

The SPEAKER (13:00) — Order! The member for Yan Yean will leave the chamber for the period of 1 hour.

Honourable member for Yan Yean withdrew from chamber.

Mr Watt — The minister has been around long enough to know he should actually use members' seats, not their particular names.

Honourable members interjecting.

The SPEAKER — Order! The member for Burwood is entitled to raise a point of order.

Ms Allan interjected.

Mr Watt — But the member for Burwood is still the member for Burwood.

Honourable members interjecting.

The SPEAKER — Order! I will take further advice on that matter and report back to the member for Burwood.

Honourable members interjecting.

The SPEAKER (13:01) — Order! The member for Oakleigh and the member for Gippsland South can leave the chamber for the period of 1 hour.

Honourable members for Oakleigh and Gippsland South withdrew from chamber.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 11

Mr J. BULL (Sunbury) presented *Alert Digest No. 11 of 2018* on:

Children, Youth and Families Amendment (Youth Offender Compliance) Bill 2018

Corrections Amendment (Parole) Bill 2018

Disability Service Safeguards Bill 2018

Environment Protection Amendment Bill 2018

Environment Protection Amendment (Container Deposit Scheme) Bill 2018

Justice Legislation Amendment (Unlawful Association and Criminal Appeals) Bill 2018

Justice Legislation Miscellaneous Amendment Bill 2018

Justice Legislation (Police and Other Matters) Bill 2018

Owner Drivers and Forestry Contractors Amendment Bill 2018

Racing Amendment (Integrity and Disciplinary Structures) Bill 2018

Victims and Other Legislation Amendment Bill 2018

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS

Tabled by Acting Clerk:

Crown Land (Reserves) Act 1978 — Orders under ss 17B and 17D granting a licence and a lease over Point Leo Foreshore Reserve (two orders)

Environment Protection Act 1970 — Orders under s 18D (three documents)

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 6 (*Gazette G30, 26 July 2018*)

Parliamentary Budget Office — Operational Plan 2018–19

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Victoria Planning Provisions — VC148

Yarra — C218, C219

Statutory Rules under the following Acts:

Environment Protection Act 1970 — SR 106

Improving Cancer Outcomes Act 2014 — SR 107

Subordinate Legislation Act 1994 — SR 105

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 80, 105, 106, 107.

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

Advancing the Treaty Process with Aboriginal Victorians Act 2018 — Whole Act — 1 August 2018 (*Gazette S356, 31 July 2018*)

Liquor and Gambling Legislation Amendment Act 2018 — Sections 48 and 68, Divisions 4, 6, 7, 9 and 10 of Part 2 and Divisions 2 and 3 of Part 3 — 18 July 2018; Division 8 of Part 2 — 13 September 2018 (*Gazette S337, 17 July 2018*)

Marine and Coastal Act 2018 — Whole Act — 1 August 2018 (*Gazette S337, 17 July 2018*)

Serious Offenders Act 2018 — Whole Act — 3 September 2018 (*Gazette S356, 31 July 2018*).

ROYAL ASSENT**Messages read advising royal assent to:****31 July**

Corrections Amendment (Parole) Bill 2018

Electoral Legislation Amendment Bill 2018

7 August

Education Legislation Amendment (Victorian Institute of Teaching, TAFE and Other Matters) Bill 2018

Justice Legislation Amendment (Terrorism) Bill 2018.

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

Disability Service Safeguards Bill 2018

Victims and Other Legislation Amendment Bill 2018.

BUSINESS OF THE HOUSE**Program**

Ms ALLAN (Minister for Public Transport) (13:04) — 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, 9 August 2018:

Children, Youth and Families Amendment (Youth Offender Compliance) Bill 2018

Disability Service Safeguards Bill 2018

Prevention of Family Violence Bill 2018

Victims and Other Legislation Amendment Bill 2018.

I will make a few observations on the program that is before us this sitting week. Once again I say with great optimism that I hope that it has the unanimous support of colleagues in the chamber as there are a number of critically important bills on the program that can be substantially considered in the important policy areas, particularly around the prevention of family violence, which of course has been such a key and signature policy area that this government has focused on from the early days of calling the Royal Commission into Family Violence and then implementing all of the

recommendations in a methodical way. This bill is part of that ongoing program of work.

There are other bills, including the Disability Service Safeguards Bill 2018. This is also quite critical to supporting some of the most vulnerable members of our community to get the services they need. There are other bills in the justice space that particularly give additional support to victims. I note that the opposition have requested that we consider taking the Disability Service Safeguards Bill into the consideration-in-detail stage. I will indicate now to the manager of opposition business that, should time be available towards the end of the week, we can consider that in the usual way.

I also wish to note that we have a lot to get through this week. There is still a lot of legislation for the government to consider and, most importantly, debate and put forward through this house so that it can be considered in a timely way in the upper house. I commend the program to the house.

Mr CLARK (Box Hill) (13:07) — The Liberal and National parties oppose this government business program. As usual, what is important about this program is not so much what is in it but what is not in it. As week after week goes by we see a government falling increasingly into turmoil and disarray in their failure to account for the serious abuses that have taken place during their term in office. They have failed to make time with the government business program for the business of the house to deal with those urgent and pressing matters about the accountability of this government and whether or not it has got the slightest ability to observe any standard of decency and propriety in its conduct.

There have of course been for a long time issues that need to be referred to the Privileges Committee or to a select committee of the allegations and misconduct in relation to the former Speaker and Deputy Speaker. Then there is the issue of the Ombudsman's report in relation to the red shirts roting and now, most recently, we have the announcement by Victoria Police that they are reopening their criminal investigation into potential offences that may have been committed by persons named in the Ombudsman's report, including both members of Parliament and ministers of the Crown.

This house should be dealing with all of those matters. It should be dealing in particular with the motion that the Leader of the Opposition sought to move by leave earlier today to call on the Premier to stand down the Attorney-General, the Special Minister of State, the Minister for Energy, Environment and Climate Change, the Minister for Corrections, the Minister for Families

and Children and the Minister for Sport pending the outcome of police investigations into their roles in the Labor red shirts rort.

Ms Allan — On a point of order, Speaker, whilst the member has had some latitude to consider what other items should be considered as part of the government business program, he is now straying into an area that is well outside of what can be considered by this house, given there are investigations underway. I ask you to draw him back to the motion that is before the house, which is the government business program.

Mr CLARK — On the point of order, Speaker, it is completely in order for members speaking to the merits of the government business program to advance the case as to why that program is unsatisfactory because of the business that it fails to deal with. The motion of which the Leader of the Opposition has now given notice is one of the matters that we on this side of the house are arguing should be included on the government business program, and it is perfectly in order for me to make that case.

The SPEAKER — I think the member for Box Hill is entitled to canvass issues that he would like to see on the government business program, but I would ask him, for the smooth running of the house, not to focus entirely on issues that are not on the government business program and to debate the motion before the house.

Mr CLARK — I consider, and we on this side of the house consider, that this motion is inadequate in the matters that it fails to make room for during the course of the week. In canvassing the government business program it is notable that the Leader of the House made no reference to and no attempt to justify the time of government business being taken up by the motion of which the Deputy Premier gave notice just a few moments ago. It is perhaps a further sign of the desperation and disarray of this government that the Deputy Premier comes into this house and gives notice of a motion that makes a series of wild allegations with no evidence whatsoever against a wide range of members of the opposition, and yet the Leader of the House makes no attempt to justify why the time of this house should be taken up in dealing with such a vexatious and unsubstantiated motion rather than dealing with what the Leader of the House urged us to believe was a heavy and important government business program.

I think it reflects on the fact that this is a government that is desperate to focus attention on anything other than its own wrongdoings. It is prepared to make wild

accusations outside the house and inside the house but yet is not prepared to deal with its own accountability for matters found by the Ombudsman or with proper standards of propriety and behaviour in terms of ministers of the Crown under criminal investigation being stood down. For all of those reasons this side of the house opposes this government business program.

Mr CARBINES (Ivanhoe) (13:11) — I am pleased to contribute to the government business program debate. In particular I want to draw the house's attention to the opportunities to debate matters such as the Prevention of Family Violence Bill 2018 and particularly the very significant commitments our government took to the last election that were affirmed at the ballot box. Some of the services are now coming into play, such as The Orange Door based across the eastern region in my electorate, which I know is already providing great services. I am very pleased that we will have an opportunity to debate and discuss some of those matters this week. It has certainly been one of the flagship public policy issues that our government has sought to deliver on due to a range of inquiries and commission work in relation to those family violence issues. I am looking forward to further discussions on the work we have done so far and the further work that we need to do as legislators.

I note also that among the second-reading stage matters that will be dealt with this week, the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018 relates to the cladding and construction issues that have concerned not only local councils but also very many residents. I am looking forward to a discussion about how we intend to deal with those matters and the work that has been done, going back of course to some former members of this place who have contributed to investigations and other work in relation to those matters.

I note that the Residential Tenancies Amendment Bill 2018 second-reading debate will resume this week and is again a very substantial piece of complex work done by the minister and of course that is very significant in providing safeguards to vulnerable people in our community but also to very many others who cannot afford a home of their own and seek to rely on not only their capacity to rent properties but also the laws that provide safeguards to them in the place that they call home. The engagement with other stakeholders and landlords has been critical in coming up with many of the recommendations in that bill. I know it has been well received by many in the sector and many in the community and provides some great opportunities and safeguards for those who seek to put a roof over their head while they provide for their families.

The Disability Service Safeguards Bill 2018 is the result of some very substantial public policy work from the government in relation to vulnerable people in the community, and particularly with the national disability insurance scheme and other work and investments that both the state and federal governments are making in relation to these matters it is important that we continue to review and look at safeguards for people with disabilities. That is some further work that I am looking forward to the house debating and discussing this week.

Can I say it was no surprise, Speaker, that you sought to provide some guidance to the manager of opposition business in relation to the government business program. We find time and again when those opposite had the opportunity to govern, or even now when they have an opportunity to contribute to public policy debate with the legislation before this place, that they are distracted and unable to focus on the government's business program, a program that reflects commitments that were made at the election, funded in budget processes passed by this place and sought to be reaffirmed in legislative processes that we bring to this house.

Time and again those opposite have refused to engage constructively in the opportunity to legislate and provide good governance to people in Victoria on a range of commitments that our government has made and that have been affirmed by people across Victoria at the ballot box. It is no surprise that when the government brings a business program into this place those opposite are unable to comment, to contribute, to debate and to discuss that business program and that time and time again they seek to obfuscate, seek to delay, seek to deny the opportunity for those matters to be debated and oppose them because of their lack of desire and their lack of capacity to engage in the needs and the priorities of people in Victoria.

This program deals with critical matters that have arisen around cladding issues on buildings across Victoria and metropolitan Melbourne, residential tenancy safeguards for vulnerable people in our community, disability safeguards for vulnerable people in our community and prevention of family violence public policy initiatives outlined by our government. It is a very commendable program that means a lot to people across the state. It is a program I commend to this house and a program I commend to the opposition, who again continue to stonewall because they do not put Victorians first.

Mr KATOS (South Barwon) (13:16) — I rise to oppose the motion before the house for the government business program. Last Thursday when, as is practice, the government business program for the following

sitting week was circulated to the opposition and to other parties and Independents I certainly thought to myself, 'What a very light program we have got'. We have just realised why it was such a light program — because of the grubby motion that has been put before this house by the Deputy Premier. Of course he is always sent out by this government to do the grubby, dirty work. The government wants to move that motion in the house and debate it, yet the member for Melton rorted his second residence allowance and there has been no action has been taken — nothing has been done by this house. The member for Tarneit is in the same situation; he rorted his second residence allowance and no action by this house — nothing. And in relation to the red shirt rorts no action has been taken by this house whatsoever — nothing has been done. At the moment that matter is an active police investigation. Up to this point nothing has happened.

We have six ministers who were a part of that red shirts rort under investigation. Has any action being taken to stand them down? Nothing from this government. The Leader of the Opposition put forward a motion by leave that was denied by this government for those ministers to be stood down pending the investigation, as was done with Adem Somyurek, but there has been no action from the government at all. Yet they want to make wild accusations. They are dwelling in the mud and would like us to come and dwell there with them. They are trying to drag us into the mud with this absurd motion put before the house by the Deputy Premier. I would certainly challenge him to go out onto the front steps and put the same motion, but of course he will hide in here under the protection of the house and make wild accusations about members of the opposition. This government is quite happy to waste the Parliament's time with motions like this when there are serious matters of rorting and impropriety that relate to the integrity of this house that they simply do not want to deal with.

As I said, this motion by the Deputy Premier just sums up the Andrews government. It is grubby, and its members will say and do anything to keep power in this state. That is all they are concerned with: protecting their own behinds. That is basically it. I certainly oppose the government business program on those grounds. Those opposite will not deal with these serious integrity issues that have arisen during this term of Parliament, and they want to move these ridiculous motions and try to smear members of the opposition with absolute nonsense. I oppose the government business program.

Mr PEARSON (Essendon) (13:20) — I am delighted to be allowed back into the chamber to make

a contribution on the government business program. It is well known that these debates are usually a favourite of mine each sitting week because they again give a wonderful opportunity for those of us on this side of the house to give a characterisation of Labor in power, to talk about the great joy it is to occupy the Treasury bench and to use this opportunity to deliver good progressive government to the state of Victoria.

It is quite interesting, actually, that when you look at the history of this place throughout the course of the 19th century it was often a contest between liberal and conservative forces which occupied the Treasury bench. Obviously it was not until the emergence back in 1891 of what is now called the Australian Labor Party that you started to see the first instances of where organised labour got together and recognised they needed to contest parliamentary power — to engage in the parliamentary process — in order to be able to implement policies which they felt were important for their constituencies. You saw probably around about 1910 the formation and the solidification of the anti-labour forces into one single body.

So when we come to the government business program today it is an example of where we can use the fact that we hold a majority of the seats on the floor of this place and that we occupy the Treasury bench to make significant improvements in terms of legislative endeavours and objectives. I have been very proud of the fact that I am a member of the labour movement. I am very proud of the fact that at the first chance I got to join a trade union, when I was 14, I grabbed it with glee and joy. I felt it was a rite of passage for me to be able to become a member of the labour movement.

Now, as a 45-year-old male, I can say with enormous satisfaction that I am a member of a government that is actually delivering good progressive policies and initiatives by implementing the things that we count as really important to us, the things that have motivated all of us through our collective lived experience as part of something bigger than ourselves — part of a movement that has lasted for decades, a movement that has lasted for generations, standing up for the rights of working people. We are able to stand in this place and speak on a regular basis about what a joy it is to occupy the Treasury bench and to do the things that we were sent to do by the people that elected us — the fact that we are the parliamentary wing of the Labor movement, the political wing of the industrial movement, in order to try and introduce legislation that makes a profound difference for our constituency. That is because if we are not here on this side of the house standing up for our people, then there is no-one — working people are abandoned, migrants are abandoned and people who

are isolated, disadvantaged and discriminated against have no voice. So a debate on a government business program like this gives voice to those who have been disempowered and dispossessed.

It will forever be a great joy to be able to stand on this side of the house and talk about what Labor in power means. We are getting on with the job of delivering the most progressive government and the most progressive policies in the state's history. Across the nation we are the ones that are delivering a cleaner future, a more environmentally friendly future, a just community and a great society, and I commend the Leader of the House's motion to the house.

Ms SANDELL (Melbourne) (13:24) — I just want to make a few brief comments. The Greens have been opposing the guillotine for some time now because we do believe it should be an urgent matter of this house to refer the members for Tarneit and Melton to the Privileges Committee for their misuse of their allowances, and today is no different. We will continue to oppose the guillotine. We also, as we have said before, have concerns about the undemocratic nature of the guillotine, where bills before Parliament do not need to undergo a full debate or consideration in detail before they are voted on. We do not think that that is democratic, and it does not happen in other jurisdictions.

That said, there are some bills on the government business program this week that we are very keen to see passed. In particular I want to make special mention of the Victims and Other Legislation Amendment Bill 2018, which is about expunging the criminal records given to people simply because they were in state care. This is of course completely unjust and so unfair, has had a real impact on people's lives and has disproportionately affected Aboriginal people. It is something that the Greens brought to the government's and the media's attention, and I would like to thank all those whose hard work made this bill and this expungement possible.

I also understand that the so-called red shirts affair might take up a lot of time this week. I just wanted to make it clear that the Greens have no interest in supporting tactics designed simply to disrupt the business of Parliament. The Parliament has important work to do, and we are not interested in letting the bad behaviour of both sides of politics disrupt the work that we were actually elected to be here to do.

The public is rightly outraged at the misuse of public funds, the roting of public funds, as are we — it is simply not acceptable in any way — but we will not be

drawn into any games that are simply designed to score cheap political points by either side of Parliament.

House divided on motion:

Ayes, 43

Allan, Ms	Knight, Ms
Andrews, Mr	Languiller, Mr
Bull, Mr J.	Lim, Mr
Carbines, Mr	McGuire, Mr
Carroll, Mr	Merlino, Mr
Couzens, Ms	Nardella, Mr
D'Ambrosio, Ms	Neville, Ms
Dimopoulos, Mr	Noonan, Mr
Donnellan, Mr	Pakula, Mr
Edbrooke, Mr	Pallas, Mr
Edwards, Ms	Pearson, Mr
Eren, Mr	Perera, Mr
Foley, Mr	Richardson, Mr
Garrett, Ms	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
Kairouz, Ms	Wynne, Mr
Kilkenny, Ms	

Noes, 40

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

Motion agreed to.

MEMBERS STATEMENTS

Archbishop of Melbourne

Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation) (13:32) — Last Wednesday night I had the pleasure of attending the liturgical reception and mass for the incoming Archbishop of Melbourne, the Most Reverend Peter Comensoli. Archbishop Comensoli comes to us from New South Wales, where he served as the bishop of the

diocese of Broken Bay as well as the auxiliary bishop of Sydney.

Archbishop Comensoli was ordained a priest in 1992, aged only 28. He served as a parish priest before his elevation to bishop in 2011. He studied in Rome and the United Kingdom, attaining a doctor of philosophy. Archbishop Comensoli is passionate about the rights of the disabled and ensuring they are treated with honour and dignity as persons in society, and he is a published author on this topic.

I would like to acknowledge all the religious leaders who joined to welcome our new archbishop in a remarkable show of religious unity. Representatives from the Orthodox, Coptic, Anglican and other Christian churches as well as Hindu, Sikh, Jewish and Muslim leaders all united in prayer to welcome the new leader of our church here in Melbourne. It was wonderful to be a part of such a moment of religious unity. The mass was a beautiful celebration of the Catholic faith, with over 400 priests and bishops in attendance. It was standing room only in the cathedral — an impressive feat — with hundreds of Melbourne's Catholics braving a cold and wet Wednesday night to give our new archbishop a warm welcome. I look forward to welcoming him here with many of you at Parliament House once he has settled into his new role.

I would like finally to pay my respects and say thank you to the outgoing leader of the Catholic Church in Melbourne, Emeritus Archbishop Hart. His 17 years of service to Melbourne's Catholics will not be forgotten.

Stratford RSL

Mr T. BULL (Gippsland East) (13:33) — The Stratford RSL sub-branch is an amazing little community organisation run by a very dedicated group of volunteers. I attended there on Anzac Day and visited the RSL sub-branch again recently to see the large number of works that they have to undertake to bring that facility up to standard — above all, toilets that are disability friendly are very, very important and also improved access to that facility. I encourage the Minister for Veterans to take an interest in that RSL and ensure that these works can be completed.

Drought

Mr T. BULL — I also bring to the attention of the house the plight of farmers in East Gippsland. There has been a huge focus on farmers in New South Wales — and quite rightly so, I might add, with the drought that is facing them and the extraordinary

hardship. In East Gippsland we also have hardship at an increasing level with every week that goes by without rain. I would encourage our agriculture minister not to lose sight of the plight of our farmers in East Gippsland and to make some time to come down, to visit them on the ground and experience what they are going through. One of the issues that they are facing is the potential for silage shortage over the coming months. As the New South Wales drought-affected farmers have been subsidised, we have a lot of fodder that is disappearing over the border. It is an increasing concern to our farmers that when they get into real, real trouble that fodder will not be there. So I encourage the agriculture minister to come and visit.

Kem Monovithya

Mr LIM (Clarinda) (13:35) — I am delighted to be hosting Ms Kem Monovithya here at Parliament at 3 this afternoon. Monovithya is a member of the permanent committee of Cambodia's principal opposition party, the Cambodia National Rescue Party. She is also the daughter of His Excellency Kem Sokha, Cambodia's opposition leader, who has been imprisoned since last September.

Over the last five years Cambodia has slowly descended back into dictatorship. Extrajudicial killing of government critics, dissolution of the opposition party, mass arrests of political opponents and activists, and the silencing of independent media are just the beginning. As such the Australian government should reject the result of Cambodia's recent sham election which took place on 29 July. Countries around the world, including the United States, have condemned Cambodia's violent and illegitimate regime. Recently the US implemented a range of targeted sanctions, which include visa restrictions on key government officials and the freezing of assets of those seeking to destroy democracy in Cambodia.

Australia should follow suit. According to the ABC's *Four Corners*, Hun Sen and his cronies have amassed a swathe of properties worth tens of millions of dollars in Australia, some of which is located in my electorate. Today I join Ms Kem Monovithya and the Cambodian Victorian community in calling on the federal government to take action. The time for words and expressions of serious concern is over.

Motor neurone disease fundraising

Ms RYALL (Ringwood) (13:36) — Mitcham Football Club has once again proven that they will stop at nothing to get behind a good cause. With an important cause, they go for it. On Saturday the club

held their very successful women's day to raise funds to fight against motor neurone disease (MND). With over 250 women in attendance and many undertaking the ice bucket challenge, it was amazing to have the inspirational Neale Daniher as the special guest.

He delivered a very real message about how short life is, how important it is to make the most of it and have fun at the same time. Neale's personal fight and determination to raise awareness in the fight against MND has been nothing short of spectacular. MND is a progressive, degenerative neurological condition that has no known cure. We need that cure. Congratulations to the organising committee and to all volunteers and everyone who donated for this important event.

Maroondah Hospital cancer centre

Ms RYALL — I recently had the honour of attending the Shades of Pink ladies lunch fundraiser held at Bramleigh Estate in support of raising funds for the new breast cancer centre at Maroondah Hospital. This centre will allow the 25 000 women who use breast cancer screening services and other services in relation to breast cancer treatment to have that undertaken onsite. Congratulations to Kat Coopersmith, Mary-Anne Lowe, Sarah Allan and Sarah Pedersen and to all those involved for a wonderful event supporting Eastern Health and raising \$117 000.

Yuroke Youth Advisory Council

Ms SPENCE (Yuroke) (13:38) — I rise to congratulate the Yuroke Youth Advisory Council on another successful year in raising awareness about an issue critical to young people in our area and across the state. Over the past seven months the youth council has been hard at work, focusing on youth employment issues. The council engaged with local community leaders and key organisations working with young people who are looking to join the workforce and who are facing challenges in their workplace.

Last week the council held the Yuroke youth employment forum and had a great turnout from the community. Thanks to all those who shared a wealth of knowledge, including Julie and Matt from Ostara Australia employment service; Wendy from the Kangan Institute skills and jobs centre; Danielle from the Young Workers Centre; Hume City Council mayor Geoff Porter, councillor Drew Jessop, CEO Domenic Isola and the youth services and economic development teams; as well as Parliamentary Secretary for Industry and Employment, the member for Eltham.

The panellists provided comprehensive information on how to best write résumés and cover letters, the types of skills and qualifications that employers look for and what rights young people have in the workplace. I am sure those who attended found the information and resources incredibly helpful.

A lot of attendees also expressed great interest in the Andrews Labor government's free TAFE initiative and were eager to start learning and equipping themselves with the skills that will aid their success. To Adam, Alicia, Alyssa, Brianna, Caitlin, Fathia, Gungun, Gursewak, Helena, James, Josh, Marina, Minal, Sidney, Sumeyye, Thomas and Uaita, congratulations once again for putting together a successful forum and thank you for being such active young members of our community.

Country Fire Authority Yarra Glen brigade

Ms McLEISH (Eildon) (13:39) — The weekend before last I was privileged to join two local Country Fire Authority brigades in my electorate to celebrate the service of local volunteers. A highlight of Yarra Glen brigade's annual dinner was the naming of a tanker after John 'Sutto' Sutton, who has notched up a staggering 60 years service at that brigade.

Country Fire Authority Limestone brigade

Ms McLEISH — Limestone fire brigade is very dear to me and to my family as it is the brigade I grew up with. Over 40 awards were presented to members at a special event, including Country Fire Authority life membership to Wendy Hiscock, and brigade life membership to past captains David Anderson and Kerry Oliver. Wendy's role in communications on Black Saturday was acknowledged not just here but also in the bushfires royal commission.

Neil Beer was awarded the national medal. He was a group officer between 2004 and 2014, and played an important role in responding to the 2006 fires and on Black Saturday. For this service he was recognised in the Queens Birthday honours and will receive the Australian Fire Service Medal later this year. Sixty-year service awards were made in their absence to Kerry Oliver, Allan Christie and John Benston, and a 70-year award to my uncle Don McLeish.

Sanitary products goods and services tax

Ms McLEISH — I also want to congratulate the federal Treasurer, Scott Morrison, and the Minister for Revenue and Financial Services, Kelly O'Dwyer, for showing great leadership in moving to axe the tampon

tax. This is a very popular move with all women. The federal Liberal government has put removing GST on sanitary products on the agenda of the next commonwealth and state treasurers meeting. I hope that Victoria's Treasurer will do the right thing here and remove this manifestly unfair tax, rather than play political games like they are with the National Energy Guarantee.

Ambulance response times

Mr NOONAN (Williamstown) (13:41) — I rise to congratulate Ambulance Victoria, and the Minister for Health and Minister for Ambulance Services, on the recent statewide figures which confirm a significant improvement in ambulance response times for life-threatening emergencies across Hobsons Bay and Maribyrnong.

Against a benchmark of 85 per cent, Hobsons Bay achieved 87.6 per cent and Maribyrnong 91 per cent for code 1 life-threatening emergencies, where ambulances are expected to arrive within 15 minutes. This compares to a statewide low under the previous Napthine government of just 73.7 per cent. Response times have also improved on average by 10 seconds in Hobsons Bay and 26 seconds in Maribyrnong against previous reporting.

In medical emergencies we know that every second counts, and improvements such as these are the difference between life and death for some. It is clear that the Andrews Labor government's \$500 million investment in our ambulance service, which includes employing 450 more paramedics, buying new vehicles and building more stations across Victoria, is helping reduce response times and save lives. This stands in stark contrast to the previous Liberal government, which cut funding, allowed response times to blow out and launched a ruthless and sustained attack on our paramedics.

The turnaround in our ambulance service is one of the greatest achievements of this term of the Andrews government. I want to pay tribute to our hardworking paramedics for this outstanding result whilst recognising the efforts of people like Steve and Jo Gibbs and Julie Wilson, who lost their sons waiting for ambulances under the previous government.

Wayne Clarke

Mr THOMPSON (Sandringham) (13:42) — Today I wish to acknowledge and place on the record the personal courage of Wayne Clarke in writing to Victoria Police to raise child abuse allegations that led

to the prosecution, conviction and jailing of the perpetrator, Robert Whitehead. The perpetrator was re-employed by the railways in 1960, having already served a jail sentence for child abduction and sexual assault. Tragically, his re-employment at the railways placed him in a position where he could work at the Emerald Tourist Railway Board, the operator of Puffing Billy, and the Australian Railway Historical Society. In turn these roles enabled him to later undertake restoration work at Taradale station and Brighton Beach station and to work with the Puffing Billy Preservation Society. Nefariously, these roles placed him in a position of trust, which he criminally abused.

The lives of many young people have been horrifically impacted by the assaults of Whitehead. I acknowledge the good work undertaken by the state Ombudsman, Deborah Glass, in the investigation into child sex offender Robert Whitehead's involvement with Puffing Billy and other railway bodies. In the words of one victim:

I lived a life which I did not get to have. It is imperative that the past will never, ever be repeated.

First home owner grant

Mr PERERA (Cranbourne) (13:44) — As a result of the Andrews Labor government's changes to stamp duty and the first home owner grant, thousands more first home buyers have been able to get into the housing market, including in the City of Casey where the whole of my electorate is located. Our local area sits second highest in uptake in Victoria, with 1615 first home buyers making the most of Labor's initiative. As a result of Labor's changes, first home buyers saved more than \$500 million in stamp duty in 2017–18.

Police numbers

Mr PERERA — It takes more than words to fight crime and keep Victorians safe. There are now 95 more police in Dandenong, Cranbourne and Pakenham than there were when we came into government. This is a stark contrast to what the coalition delivered between 2010 and 2014. Cutting over \$100 million from the police budget and sacking hundreds of police personnel does not equate to fighting crime and keeping Victorians safe.

Thompsons Road, Lyndhurst, level crossing removal

Mr PERERA — The Thompsons Road level crossing bites the dust. This level crossing is now history, and drivers in our local area will never get

stuck behind these boom gates ever again. Well done to the Andrews government.

Retirement housing

Ms THORPE (Northcote) (13:45) — Last week I had the pleasure of hosting an event at the Aveo Veronica Gardens retirement village in Northcote. There I met a lovely group of elders, including Jan and Gladys, to talk about troubles with retirement housing laws and the need for clearer contracts, better safeguards and an ombudsman. When I talked with them I was dismayed to hear that one of the biggest challenges they face in their lives is accessing Centrelink services. They do not use the internet, Centrelink offices are getting fewer and busier, it is very challenging for them to wait in line and the telephone service wait times are very long and are keeping people away from more important business. We can do better than this. Our society should care for our elders, not leave them behind. Whether it is retirement housing, Centrelink services, public housing, transport services or health care, we must make sure our older people are taken care of.

Ivanhoe electorate roads

Mr CARBINES (Ivanhoe) (13:46) — Pedestrians and local residents will be safer with four speed and red-light cameras to be installed at Rosanna Road intersections by the end of the year, funded by the Andrews Labor government. I am pleased to announce today that contracts for the new cameras have been signed with Sensys Gatso Australia. That is a \$900 000 project.

The two intersections along Rosanna Road at Banyule Road and Darebin Street were selected following a strong local campaign to make the area safer for children, parents and staff at the nearby Banyule and Heidelberg primary schools and the Goodstart childcare centre. The sites were endorsed by the fixed camera site selection committee, which is made up of Victoria Police, VicRoads and the Department of Justice and Regulation. The committee advises the government on site selection, planning and deployment of all fixed camera sites after investigating their crash history as well as other factors, including engineering suitability. The new cameras will be activated in the first half of 2019. It does take a bit of time because of the strict testing that is carried out by the Department of Justice and Regulation and also independent officers, but construction will happen this year.

Road safety cameras have been proven to be one of the most effective ways to get drivers to slow down, and

ultimately they save lives, with a 47 per cent reduction in crashes resulting in death or injury at Victorian intersections fitted with safety cameras. I would like to commend the work of the Resolve Rosanna Road community group and the local residents who worked with me to secure these cameras being installed at this site. As someone with a daughter who has attended the Goodstart childcare centre, I know very well the work that our crossing supervisors do. They are very brave on Rosanna Road, and I know these cameras will help keep people accountable on our roads.

Sheepvention

Ms KEALY (Lowan) (13:48) — I would like to congratulate Will Kinghorn, president of the Hamilton Sheepvention committee, all of the committee volunteers and everybody else that made this year's Hamilton Sheepvention an enormous success. They are celebrating 40 years this year and 160 years of sheep sales. The Hamilton Sheepvention just goes from strength to strength, attracting so many people to the area, which stimulates our local economy but most importantly shows off what we do best in the Western District — that is, growing fabulous produce. The sheep were looking absolutely great yesterday when I was on site. Congratulations to Will and the team, and I look forward to attending future Sheepventions.

Rainbow Desert Enduro

Ms KEALY — The Rainbow Desert Enduro is on this weekend, and I encourage everyone to tune into their TVs or attend in Rainbow if they can for the BFGoodrich CAMS Australian Off Road Championship. I would like to congratulate Ron Ismay, who is a local champion himself, for pulling this great event to our local area. Again it is a great way for us to show off our local region. It is a lot of fun to go out there if you are a spectator, and there is also the opportunity to go into a raffle to win a prize to go around in a buggy, which is an enormous amount of fun. Everybody should head up to Rainbow this weekend to enjoy the Rainbow Desert Enduro.

Parma for a Farmer campaign

Ms KEALY — I would like to encourage everybody to support Parma for a Farmer. The Australian Hotels Association have got on board, so go down to your local pub and have a parma in support of our farmers who are struggling at the moment.

George Panagopolous

Ms HALFPENNY (Thomastown) (13:49) — It saddens me to stand here to acknowledge the passing of a great man who lived a full life, giving so much to our community, his family and friends — George Panagopolous, an esteemed member of the northern suburbs, activist within the Greek-Australian community and member of the Australian Labor Party. George was a very unassuming man, working many years for the tramways, as a truck driver and a trade unionist. He met my father on many occasions back then, he told me. George had been actively involved in the local Greek community, primarily working in the Greek Orthodox community of Whittlesea. However, he also supported many other groups. George was not a bystander in life but made sure he rolled up his sleeves and worked hard, whether in paid work or volunteering as a committee member, treasurer or vice-president of the Greek Orthodox community of Whittlesea.

Migrants have contributed so much to this state and shown us so much, but in the early days it was difficult as Victoria was not as accepting of cultural diversity as it is now. George worked hard to ensure culture and identity were instilled in children of Greek background, helping to start the first Greek language school in the area, and until his passing supporting and working for seniors of Greek background, helping provide services, organise social outings and stay connected with society.

But among all this George had plenty of time for his beloved family. I saw George and his wife, Soula, many times at social events. I think the only thing Soula was unable to get George to do was dance. He enjoyed playing with his grandchildren and, in an earlier time, building the entire interior of their home with his son, Chris, a civil engineer. I give my support to Soula, Mary, Chris, and grandchildren.

Electorate office budgets

Mr WELLS (Rowville) (13:51) — This statement condemns the lack of integrity shown by the Premier-in-hiding and his six senior Labor cabinet ministers. So far we know of at least 23 Labor MPs and former MPs implicated in the red shirts rorts, including the scheme's chief rorter, John Lenders. No doubt the fraud and extortion squad in Victoria Police will have the necessary powers to uncover the full extent of the scheme, where the Ombudsman found herself limited by Labor's claims of exclusive cognisance.

Labor's cowardice has really shone through with the launch of police investigations by the fraud and extortion squad. Firstly, the Deputy Premier bungled a

dirty accusation against the opposition, saying two MPs, who were only candidates at the time with no staff, had somehow misused their electorate staff. Then, after the fraud and extortion squad conducted early morning raids across three states at 17 staffers' homes, the Premier and his ministers did not come forward. They did not face the media. They did not agree to cooperate fully with the police investigation. They are too ashamed to even show their faces.

The Premier and his ministers have gone to ground and let the most junior, casual staffers, who were employed more than three years ago, endure arrests and police charges. Labor ministers and MPs are not brave enough to come forward and admit their role in Labor's systematic, well-planned, devious scheme to defraud Victorians and steal an election. They let their young workers take the rap, while they protect themselves.

Bentleigh planning

Mr STAIKOS (Bentleigh) (13:52) — This week Bentleigh is celebrating some great news. The Minister for Planning has announced historic, unprecedented, mandatory height limits of three to five storeys covering the entire Centre Road, Bentleigh, shopping strip. Height limits in surrounding streets, which was zoned residential growth in 2013 by the Leader of the Opposition when he was planning minister, have also been changed to give local residents some protection from overdevelopment. This has been a joint community effort dating back to 2015, when an application for nine storeys on the old Broadbent site was submitted to council. Nine storeys was simply unheard of in our treasured local shopping strip, but unfortunately the application was passed due to a lack of policy around heights.

From that point our community kicked into action, and I particularly congratulate local residents Geoff Langford and Warren Green on their passionate advocacy. We asked the Minister for Planning to request a review of the Glen Eira planning scheme. That was done. Council ran extensive consultation on the structure plan for Bentleigh, where locals shared their own visions for the future of the precinct. There were a total of 5400 submissions, and now our government has listened to the community and approved these historic height limits. This was important to me not just as the local member but as a lifelong local resident. Unlike the Liberal candidate for Bentleigh, who supports 30-storey buildings in suburban Melbourne, and this Leader of the Opposition who is addicted to developer donations, I will always stand up for Bentleigh residents first.

Ripon electorate state forests

Ms STALEY (Ripon) (13:54) — Under standing order 49 I present a petition to the Legislative Assembly, the petition of a further 104 residents in Victoria, bringing the overall total now to 3650 residents, who call on the Legislative Assembly to note that: the residents of Ripon are opposed to any land use changes in Ripon resulting from the current central west Victorian Environmental Assessment Council (VEAC) investigation. Ripon has a large outdoor enthusiast community that enjoys access to current state forests, including horseriders, prospectors, 4WD clubs and other clubs, organisations and individuals. The petitioners call on the government to ensure that access to all current state forests within Ripon is maintained for currently allowed activities.

Over the past two months forest users have rallied, signed petitions, contacted politicians and made their voices heard. Tomorrow will be the last rally — here on the steps of Parliament House at 1.00 p.m. I applaud their efforts and stand with them in supporting that all the current access to Ripon's Pyrenees and Mount Cole forests remains the same.

I note that the VEAC draft report has now been delayed by a further month. I believe it is really important that this draft report becomes public before the election so that all candidates in Ripon can respond to it and put their views to the people of Ripon, who are clearly very, very interested in the outcome of the VEAC investigation into the central west forests.

Elaine and Ballarat Country Fire Authority brigades

Mr HOWARD (Buninyong) (13:55) — Last weekend I visited Elaine fire brigade for the opening of their upgraded station buildings, which include a dedicated meeting room and kitchen. The Elaine Country Fire Authority (CFA) brigade and the local community raised \$30 000 for the station upgrade, which was supported by more than \$50 000 from the Andrews Labor government's Volunteer Emergency Services Equipment Program funding.

In the preceding week I visited Ballarat fire brigade to hand over the keys for their new \$600 000 pumper, which was funded through the CFA's pumper replacement program. The state-of-the-art vehicle was built by SEM Fire and Rescue in Ballarat and boasts the latest technology, including improved safety and operational features.

Both brigades also held their service medals presentations over the last fortnight, which I was pleased to attend and to see volunteer members recognised for their commitment to the brigades for periods ranging from five to 65 years. I would like to make special mention of National Medal recipients Russell Ford of Elaine, Scott Henderson and Simon Lowe of Ballarat, and National Medal 3rd clasp recipient Russell Harris of the Ballarat brigade.

At Elaine 60-year medals were presented to Brian Lewis and Kelvin Pitcher, who were founding members of the brigade; while at Ballarat Stan Kneeshaw received the 65-year medal for his outstanding contribution to the brigade. It was great to see such a long history of community service recognised, with knowledge and experience being passed down to young volunteer members and the junior brigade members, ensuring our regional brigades have a bright future.

Samantha Fraser

Mr PAYNTER (Bass) (13:57) — Men's violence against women raised its ugly head yet again recently, this time on Phillip Island. Mother of three Sam Fraser lived in fear of her ex-husband. This disgusting man was charged on no less than nine occasions with seriously assaulting Sam and yet was never placed in jail. For Sam, known as a beautiful mother, friend, sister and daughter, the strong and caring Phillip Island community is now in mourning. The community is also angry. There is a call for a change to laws surrounding domestic violence, the addition of CCTV cameras and the establishment of a women's refuge on the island. None of these actions will bring Sam Fraser back to her family, but they may well prevent another such tragedy.

But the broader issue still remains to be addressed. Men need to learn that any violence against women is simply wrong. Harboursing a sense of entitlement towards women, using violence or exercising controlling behaviour have no place in our community. As a White Ribbon ambassador I have campaigned widely to reduce men's violence against women, and I will work with the Phillip Island and Bass Coast communities on this issue. Make no mistake, the Phillip Island community is strong and resilient. It will fight back from this tragic incident, advocate loudly for change and for the Fraser family and will rally behind them strongly. I commend Alice Bradley for leading the charge.

Battle of Le Hamel commemoration

Ms WARD (Eltham) (13:58) — Thank you to the beautiful community of St Margaret's parish, who again created a very special World War I

commemorative event, this year commemorating the Battle of Le Hamel. Led by Reverend Keren Terpstra, Reverend Robert Street and Father Terry Kean from St Francis Xavier parish, we joined together as a community to remember this terrible battle in a horrific war, the sacrifices made and the men and women from Eltham and Research who served. Bill McKenna and Peter Randle from the Montmorency-Eltham RSL, along with Jim Connor from the Eltham District Historical Society and Dennis Ward from the Kangaroo Ground War Memorial Park, helped put together a wonderful display of this period. Thank you to 1st Eltham Scout Group's Caelan Robertson, Chloe Machin, Liam Robertson, Isobel and Miranda Rowley, Cale Martin and Kiara Tooley; student leaders from Research Primary School Baxter Fox, Claudia Mietus and Grace Welburn; and from Eltham Primary School Inas and Lizzie, who were a very special part of the commemoration service.

Montmorency Secondary College

Ms WARD — On Saturday I had a wonderful night laughing with the community of Montmorency Secondary College as we watched the school's terrific production of *Shrek Jr*. There was so much talent on display, and I loved seeing the fun and excitement of these young performers; most of the cast were in year 10 or under. The confidence of these young people was fantastic to see. I share principal Allan Robinson's comment that there was a lot of 'pride in achievement' — the school's motto — in this performance.

Congratulations to the cast: Miller Flentjar, Abbey Keenan, Spencer Waymire, Daniil Rauzin, Sophia Church, Rachel Johnston, Holly Jackson, Sienna Brent, Ava Keiper, Patrick Reichenbach, Jasmine Stone, Brianna Deans, Vanessa Wilson, Bec Catania, Poppy Phillips, Chloe Andrew, Dylan Connelly, Alys Nicklin, Tyson Alder, Matilda Sinfield-Jones, Claire White, Siobhan Griffiths, Jackson King, Nick Frost, Georgia Kamolins, Charlotte Moor, Kendra Ashlin-Davis, Nekisha Christie, Ruby Dawes, Charlotte Boyd, Tess Baldwin, Amy Baldwin, Maya Stelling, Emily Godfrey, Chloe Tate, Maya Salama, Ruby Broughan, Johanna Ryan, Lily Bradshaw, Molly Siede and Kaya McFarlane; the crew, Mason Peart, Mark Lohrey, Jayden Stenton, Spencer Grant, Ben Milkins, Gram Gill and Ruby Bradshaw; and the production team — a fantastic result.

Essendon electorate environmental groups

Mr PEARSON (Essendon) (14:00) — I was delighted to host a series of morning teas in my

electorate for a number of my local environmental groups recently. The conversation flowed, and there were some fantastic ideas and suggestions on how we can improve the livability in our community as well as improve our parks, gardens and waterways. A big shout-out to Anna Lanigan and Frank Kinnersley from the Friends of Moonee Ponds Creek; Wayne Moebus and Suzie Dellani from the Strathmore Community Garden; John Hassell and Roger Excell from the Essendon Community Garden; Pat Long from the Farnham Street Community Garden; Judy Ingram, Maelor Himbury and Rosemary McKenzie from Friends of Maribyrnong Valley Inc; Ben Liney and Daniyela Rob from Flemington Community Garden, Cultivating Communities; Rob Karkut from the Flemington Green Ninja Army; and Ros Nataprawira, John Wyeth and Ed Lagdzin from Newmarket Stationers.

Maribyrnong River fish stocks

Mr PEARSON — It was wonderful recently to represent the Minister for Agriculture when the government announced \$815 000 in funding to install 30 new fish habitat havens and have an additional 300 000 estuary perch fingerlings stocked in the mighty Maribyrnong River. The project will also monitor the river's fish population, including the stocked estuary perch and the colonisation of the 30 fish havens, which will be placed in the river following consultation with other water users about the best locations. A review of land-based fishing needs will also be undertaken to guide future investment in access projects for anglers, and a study of the Maribyrnong River's early fishing history will capture how things have changed over more than a century.

Buckley Street, Essendon, level crossing

Mr PEARSON — Recently the Minister for Public Transport announced that the Buckley Street level crossing will be removed by early October, and I am pleased and delighted that major work will commence from this Thursday night for the next 52 days as we get on with the job of building the road underpass. I wish to thank my community in advance for their patience over the coming weeks. I am really pleased that in a matter of weeks this terrible level crossing will be gone for good.

Minister for Education

Mr BATTIN (Gembrook) (14:01) — I wish to put on record that the member for Monbulk has a history of lying within this place, lying out in his local electorate and putting together stat decs from his own community that have called on him for lying within the Parliament.

Honourable members interjecting.

The ACTING SPEAKER (Ms Thomson) — There was a point of order called, and the member did not adhere to my request to sit down.

BUILDING AMENDMENT (REGISTRATION OF BUILDING TRADES AND OTHER MATTERS) BILL 2018

Statement of compatibility

Mr WYNNE (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (**Charter**), I make this Statement of Compatibility with respect to the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018.

In my opinion, the Building Amendment (Registration of Building Trades and Other Matters) Bill 2018 (**Bill**), as introduced to the Legislative Assembly, is compatible with human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill amends the *Building Act 1993* (**Principal Act**) to extend the registration scheme to specific trades, by providing for the provisional registration of builders and the licensing of building employees who perform certain building work. The Bill clarifies the grounds for certain disciplinary sanctions for building practitioners and provides further for the regulation of swimming pools and spas.

The Bill also amends the *Local Government Act 1989* to insert provisions that enable local Councils to enter into Cladding Rectification Agreements (**CRAs**) with owners or owners corporations, and lenders, in respect of rateable land. A CRA is a new type of agreement that allows for a lender to advance funds to owners or owners corporations to fund the rectification of non-compliant cladding, and allow the ongoing liability to transfer from owner to owner (allowing units to be sold and the cost of rectification to be spread over a number of years). The lender is then reimbursed via the Council rates system, with the Council able to levy a cladding rectification charge on relevant rateable land. This provides for more favourable loan rates and durations (of at least ten years) than direct private financing. Consistent with the current threshold requirements under the *Owners Corporations Act 2006*, owners corporations will be able to enter into CRAs on behalf of the owners, subject to having approval from 75% of those owners.

These provisions reflect some of the key recommendations of the Victorian Cladding Taskforce, with the intention of supporting owners and owners corporations to be able to afford the cost of rectifying cladding from their buildings, recognising that access to affordable finance and the high cost of repair, including the cost of litigation, will be a key barrier to rectification. The Bill further implements the recommendations of the Victorian Cladding Taskforce by

enabling the Minister to declare that certain cladding products are prohibited from being used in building work, and providing for authorised persons to conduct destructive testing in certain circumstances to determine non-compliant use.

The Bill also makes minor and consequential amendments to other Acts.

Human rights issues

The human rights protected by the Charter that are relevant to the Bill are:

The right to privacy and reputation (section 13);

The right to freedom of expression (section 15);

Property rights (section 20);

The right to a fair hearing (section 24);

The right to be presumed innocent (section 25).

Right to privacy and reputation

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have their reputation unlawfully attacked. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

A number of clauses in the Bill provide for minor interferences with privacy; however, in my view none of these interferences are either unlawful or arbitrary and accordingly do not limit the right to privacy.

Obtaining the personal information of applicants

Clause 21 inserts new Part 11A into the Principal Act, which provides for the licensing of building employees. An application for a building employee licence must be in an approved form and accompanied by a recent photograph and any prescribed information. The Victorian Building Authority may, in considering an application, conduct inquiries and require the applicant to provide further information in relation to the application. The Authority may also ask the applicant to consent to the disclosure of information that the Authority requires to perform a check on the applicant. This may include information relating to the applicant's qualifications and experience. The applicant must notify the Authority of any material changes to the information provided before the application is determined.

The Bill also inserts a requirement that applications for registration as a building practitioner must be accompanied by a recent photograph of the applicant.

Although the right to privacy is relevant to the provisions governing licence and registration applications, applicants who are seeking to participate in a regulated industry have a diminished expectation of privacy. The information that will be initially sought by the Authority is only information that is necessary for or relevant to the determination of the application. Further, the applicant is required to provide consent before information is disclosed to the Authority to be

checked or verified. As such, in my opinion there will be no limitation on the right to privacy or reputation where the relevant information is obtained, reviewed and shared within the confines of the relevant provisions.

Ongoing reporting obligations and inquiry powers

New sections 187L and 187O require licensed building employees to provide a statement to the Authority periodically, containing any information and documents required by the Authority and to produce their licence certificate for inspection if asked to do so by certain people. New section 187R provides that the Authority may make inquiries to determine whether a ground exists for taking disciplinary action against a licensed building employee under Division 2 of Part 11A. This mirrors the Authority's current powers of inquiry under the Principal Act in relation to registered building practitioners. Once the Authority believes that a ground for taking disciplinary action exists and proposes to take that action, the Authority must give the licensed building employee a show cause notice under new section 187S, inviting the employee to show why the proposed action should not be taken. This may require the employee to provide personal information.

The circumstances in which the mandatory reporting obligations and inquiry powers apply are clearly set out in the Bill, and are aimed at ensuring that the licensing scheme operates in both a responsive and proactive manner. To the extent that these provisions could be considered to interfere with a person's privacy, the interference would not constitute an unlawful or arbitrary interference. The power to make inquiries in relation to potential contraventions of the Bill is necessary for the Authority to be able to effectively monitor and enforce compliance with the scheme, which operates to ensure that building work is carried out by appropriate qualified persons in a safe and competent manner.

Clause 32 inserts new section 25AA, which provides that a person who becomes the owner of land that is subject to a building permit that has been suspended because the owner-builder on the permit no longer owns the land may notify the relevant building surveyor if the remaining building work is to be carried out by an owner-builder. Such notice must include the name and address of the new owner and any person issued with a certificate of consent to carry out the remaining building work under the permit. Further, where an owner or builder is required by a building order or emergency order to arrange for a building product or material to be subjected to destructive testing, they must provide the results to the municipal building surveyor or other authorised person within a specified time.

These notification requirements ensure that critical information is passed on to the relevant building surveyor. A change in ownership of land subject to a certificate of consent is highly relevant as the transfer of the land will trigger the expiry of the certificate of consent and the suspension of the related building permit, which are both linked to the specific owner-builder. The results of destructive testing of building products or materials are essential for authorities to be able to take appropriate action to administer and enforce the regulatory scheme. To the extent that the above notification obligations will interfere with privacy by requiring the disclosure of personal information, any such interference will be lawful and not arbitrary, and will therefore be compatible with the right to privacy.

Information sharing

Under new section 187Y, the Authority must give notice of a decision in relation to disciplinary action against a licensed building employee to any person who made a complaint about the matter, and to the employer of the licensed building employee. This section will engage, but not limit, the right to privacy and reputation under section 13 of the Charter. Information to be provided by the Authority is limited to the Authority's decision, and may only be provided to specific persons or entities who may be reasonably expected to be informed of the outcome of the disciplinary process. For these reasons, and given the reduced expectation of privacy in the regulatory context, any interference with privacy and reputation occasioned by this provision will be lawful and not arbitrary.

Registers

New section 187N requires the Authority to keep a register of building employees that contains prescribed particulars, as well as the names and classes of licence of persons licensed under Part 11A. This register is similar to that which already exists under the Principal Act in relation to registered building practitioners. The purposes of the register include recording necessary information to monitor compliance with the licensing scheme and to allow the Authority to fulfil its obligations. The register will also make information about licence-holders available to the public, which serves the important purpose of promoting transparency and protecting consumers by enabling them to check whether a person is licensed and whether there is any relevant disciplinary history.

Not all of the information disclosed in the register will be of a private nature. Nevertheless, to the extent that the right to privacy is relevant to the information required to be listed on the register, I believe that any interference with that right is lawful and not arbitrary. The particulars which are to be listed on the register will be set out in regulations, and their listing is therefore a known condition of any person seeking to be licensed as a building employee. The collection and publication of information on the register is necessary for and tailored to ensuring compliance with the licensing scheme and promoting transparency, and accordingly does not constitute an arbitrary interference with privacy.

Clause 28 inserts new section 216D, which requires each council to establish and maintain a register of swimming pools and spas located in the municipal district of the council. The register must contain prescribed information, and will include pools and spas that are registered with the council, as well as any pools and spas located in the municipal district of which the council is aware. The register may be inspected by owners or occupiers of land in the municipal district in which a swimming pool or spa is located; swimming pool and spa inspectors in relation to a barrier that the inspector has been engaged to inspect; authorised persons who are municipal building surveyors; and prescribed agencies or bodies if the inspection is necessary for the performance of their functions. Where information recorded in the register is necessary for the performance a function of the Authority or a prescribed agency or body, the council must submit that information to that entity on request in the prescribed manner. The Authority may publish information on its website about the number and types of swimming pools and spas in the municipal district in general terms but must not disclose details of any owner or specific location or a swimming pool or spa. Further, the council must ensure that no information in the register is

published or made available to any other person, agency or body, other than in accordance with new section 216D.

The establishment and maintenance of a register of private swimming pools and spas is intended to facilitate inspections to ensure compliance with relevant safety requirements. Only limited personal information may be shared between regulators where necessary for the performance of their functions, and will not be made public. Further, occupiers and owners of land on which a swimming pool or spa is located will only be able to inspect the register in relation to information recorded in the register about that swimming pool or spa. To the extent that the right to privacy is relevant to the information required to be listed on the register and shared with authorised bodies, I believe that any interference with the right is lawful and not arbitrary. The collection and publication of information on the register is necessary for and tailored to ensuring compliance with safety requirements, and accordingly does not constitute an arbitrary interference with privacy.

Disclosure requirements prior to entering into CRAs

Clause 79 inserts new section 185K into the Local Government Act, to provide that before entering into a CRA, a relevant owners corporation must provide to the relevant Council the names and postal addresses of all the lot owners of the building and which of those lot owners have agreed to the owners corporation entering in to the CRA. This provision may interfere with the privacy of individual lot owners. However, it is the role of an owners corporation to manage the common property of certain buildings. It is to be expected by lot owners that in performing its management functions (including entering into contracts and other agreements) and discharging its relevant obligations, owners corporations will need to collect and in some circumstances disclose information about each lot owner. Any expectation of privacy on the part of lot owners must therefore be minimal. Further, in the context of this Bill, the Council needs this information in order to discharge the obligations imposed on Councils before entering into any CRAs (referred to below). In my view, the requirement on an owners corporation to provide this information to Councils is clear, foreseeable and reasonable, and therefore does not amount to a limit on the right to privacy.

The Bill also requires individual lot owners to disclose certain information prior to a CRA being entered into. New section 185J inserted into the Local Government Act provides that at least 28 days before entering into a CRA, the owner of the rateable land or owner of each separate lot (as the case may be) must notify any existing mortgagee of the intention to enter into the CRA and the details of all cladding rectification charges that are expected to be declared by the Council in respect of the land. Further, the Bill provides that a Council must not enter into a CRA unless the Council is satisfied that the total debts on any rateable property do not exceed the expected value of the property; to this end, new section 185J provides that the Council must give a notice to relevant owners or lot owners requiring them to provide to the Council details of all debts on the land. However, to the extent that these provisions require disclosure of personal information, in my view any interference with the right to privacy is lawful and not arbitrary. The requirements are clear and are designed to ensure that CRAs are only entered into where it is financially appropriate and feasible, and to promote transparency.

Freedom of expression

Section 15(2) of the Charter provides that every person has the right to freedom of expression. Section 15(3) of the Charter provides that special duties and responsibilities are attached to the right to freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights of other persons and for the protection of national security, public order, public health or public morality.

A number of the provisions discussed under the right to privacy above may also engage the right to freedom of expression, which may include a right not to impart information. Further, clause 9 inserts new subsection 169(2) into the Principal Act, which may interfere with the right to freedom of expression by prohibiting a person who is provisionally registered from representing or implying that they are fully registered.

I consider that these provisions enable appropriate oversight and monitoring of compliance with the Bill, and are reasonably necessary to protect members of the public from poor or unsafe building work and to uphold the integrity of the registration scheme. Therefore, to the extent that the freedom of expression may be relevant, these provisions fall within the exception to the right in section 15(3) of the Charter, as reasonably necessary to respect the rights of other persons and public health.

Right to property

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

The Bill permits destructive testing to be conducted on a building product or material in certain circumstances:

Where an authorised person exercising a power of entry under existing sections 228D, 228E or 228J of the Principal Act believes on reasonable grounds that the use of the building product or material in or on the building or land is connected with a contravention of the Act or regulations, or has seized or sampled the building product or material from the building or land. Under the Principal Act, material may only be seized or sampled in limited circumstances, such as if it presents a risk to the life, safety or health of any person, or is connected with a contravention of the Act. The existing powers of entry are confined to circumstances where the entry is necessary for the purpose of determining whether the Act or regulations are being complied with, or in emergency cases where public safety is at risk.

Where a warrant issued by a magistrate that enables an authorised person to enter or search a building or land (including that used for residential purposes) authorises the person to conduct or arrange destructive testing on a building product or material if they reasonably believe the use of the product or material is connected with a contravention of the Act or regulations.

Where an authorised person, pursuant to section 228O, seizes or samples a building product or material that is

not mentioned in a search warrant, they may conduct or arrange destructive testing on the material.

Where it is required under an emergency order or a building order if the municipal building surveyor making the order believes on reasonable grounds that the use of the building product or material is connected with a contravention of the Act or regulations. The testing must be carried out by a prescribed testing body and is subject to the safeguards applicable to those orders, for example, that an emergency order may last for a maximum period of 48 hours and that any representations by the owner must be considered by the relevant building surveyor before making a building order.

A court may also grant an injunction under section 234E of the Act enabling a person to carry out or arrange destructive testing.

Testing a material in a way that is likely to cause the destruction of that material engages the right to property under section 20 of the Charter. However, in my view, any deprivation of property occasioned by the carrying out of destructive testing will be in accordance with law and therefore compatible with the Charter. Destructive testing is often the only conclusive means of determining whether a cladding product is non-compliant and is therefore necessary for the effective administration and enforcement of the regulatory scheme, which has significant implications for public safety. The circumstances in which the power to conduct such testing may be exercised are clearly set out and confined to situations in which an authorised person has a reasonable belief that the testing is necessary to determine potential non-compliance with the Act or regulations. Accordingly, these provisions are compatible with the right to property under the Charter.

Fair hearing

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

New section 187Z provides that a person is not liable for any loss, damage or injury suffered as a result of the person lodging a complaint with the Authority in relation to a licensed building employee or producing information or evidence to the Authority. This section provides complainants with a general immunity from liability. The limitation of that liability confines claims that might otherwise have existed under statute or general law. As such, it affects the substantive content of legal rights which may otherwise exist in limited circumstances, rather than limiting a person's access to the court to determine existing rights. For these reasons, I consider that this provision does not engage the right in section 24.

Presumption of innocence

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. This right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

Clause 23 of the Bill inserts new subsection 239(2), which provides that a certificate of the Registrar of the Authority specifying the class of licence of a person, whether a person is recorded on the Register of Building Employees or that a licence certificate has been issued in respect of a person is evidence and, in the absence of evidence to the contrary, proof of the matters stated in the certificate.

Clause 23 operates to treat matters that are certified by the Authority as evidence of the matters stated. As this requires an accused to raise evidence to demonstrate that they have not been issued with a licence certificate, for example, this provision may be viewed as engaging the right to be presumed innocent by placing a burden on the accused. However, this provision does not create a legal burden on an accused to disprove the matters certified so as to limit the right. The prosecution must still prove the essential elements of the offence to a legal standard. The purpose of the provision is to streamline prosecutions under the Bill, and to reduce cost and delay by avoiding the necessity for evidence to be led about certain non-controversial matters. Giving an accused an opportunity to challenge that evidence by introducing contradictory evidence is a beneficial provision. It will then be up to the Court to assess the probative value of the competing evidence. For the above reasons, I am satisfied that clause 23 does not limit the right to be presumed innocent in section 25(1) of the Charter.

The Hon. Richard Wynne, MP
Minister for Planning

Second reading

Mr WYNNE (Minister for Planning) (14:04) — I move:

That this bill be now read a second time.

Speech as follows incorporated into Hansard under standing orders:

The Bill amends the *Building Act 1993* (Building Act), to further implement the government’s commitment to improve the regulatory regime in the building and construction industry.

The main purposes of the Bill are to:

- provide a framework to prescribe types of building work that can only be carried out by tradespeople who hold the requisite skills and experience, whether they be trade contractors or trade employees, subject to appropriate transitional arrangements;
- amend some disciplinary provisions in the Building Act;
- ensure that registered building practitioners are always fit and proper persons;
- improve regulation of swimming pool and spa barriers;
- provide capacity to require a continuing professional development scheme for plumbers;
- give the Minister for Planning power to ban high risk cladding products;
- provide regulators with destructive testing powers;

clarify that building notices can be issued after the issue of an occupancy permit;

provide that the Minister for Planning can specify a class of buildings for which the Victorian Building Authority (VBA) can act as a municipal building surveyor;

make amendments to the provisions for directions to municipal and private building surveyors;

amend the *Local Government Act 1989* to provide a low-cost financing option for individual lot owners and owners corporations to fund cladding works; and

make minor technical amendments.

Registration and licensing changes

The Bill introduces a new scheme for the registration of sub-contractors (also known as ‘trade contractors’) and the occupational licensing of employees. Registration or a licence will be required to perform restricted building work as prescribed by the regulations. The new scheme will apply in both the domestic and non-domestic (commercial) sectors of the industry.

The end goals of the new scheme are that:

All trade contractors are registered as building practitioners (as domestic building limited (DBL) or, where appropriate commercial building limited (CBL)) and this registration entitles them to carry out the restricted building work.

All employees who perform restricted building work hold a full employee licence (not just a provisional licence) and this licence entitles them to carry out the restricted building work.

The policy objectives are that:

There is greater accountability for non-compliant work through the application of appropriate disciplinary processes;

There is confidence that people who carry out or perform restricted work have adequate qualifications, skills and experience to do so;

Incentives for skills formation in the building industry are improved (including completion of apprenticeships);

There is relative consistency between the approach taken to trade contractors and building trade employees so as not to create incentives, for the replacement of employees by trade contractors, including the use of ‘sham’ contracting arrangements;

The incidence of non-compliant building work is reduced.

The new scheme will be delivered because offences under the Act will prohibit the carrying out building work of a prescribed class or type (‘restricted building work’) without the required trade contractor registration or employee licence.

The new scheme requires the transition of potentially large numbers of largely unregulated persons into regulation under the Act.

Because there are believed to be significant numbers of people working in the industry without formal qualifications, or formal recognition of prior learning, and to avoid creating or exacerbating a skills or labour shortage, provisional registration will be available to trade contractors and provisional licences will be available to employees.

A period of one year, after the commencement date, will be given to apply for provisional registration or a provisional licence ('the application period'). If a person applies during the application period they can continue working until their application is decided.

After the application period expires new entrants wishing to perform restricted building work will need to have full registration or a full employee licence-provisional registration or a provisional employee licence will not be available.

The detail of the requirements for provisional registration or licensing will be prescribed following consideration in a RIS. Applicants will be required to have knowledge or experience as prescribed by the regulations but this will not be the same level of formal qualifications or recognition of prior learning as required for full registration or a full employee licence. However, provisionally registered trade contractors and provisionally registered employees will be expected to upgrade to full registration or a full licence within 5 years. Accordingly, provisional registration or provisional licences will last for five years. This period can be referred to as the 'qualifying period'. After expiration of this qualifying period the appropriate full registration, or full licence in the case of employees, will be required to carry out the restricted building work.

The default commencement date for the new scheme is 1 September 2020. This is approximately two years from the estimated date of passage. This period is required for completion of a Regulatory Impact Assessment (RIS) process and the making of new regulations.

Priority areas for consideration of restricted building work are likely to include carpenters (and framers), plasterers, footing and foundation workers, bricklayers, and water proofers.

The RIS will be required to consider:

priority areas for the creation of restricted building work and the criteria for this;

exemptions from restricted building work which may be based upon financial thresholds and/ or class of building and/or class or person performing the work;

criteria for provisional registration or licensing;

means of attaining, or demonstrating, further qualifications or experience over time;

whether a plan, including steps required to transition from provisional registration or licensing to full registration or licence, should be required to be granted provisional registration or licensing, and if so, the contents of such plans;

the staging of introduction of different classes of restricted work categories or classes including consideration of the load this will impose on the Victorian Building Authority ('the Authority');

fees for provisional registration and employee licensing;

any transitional issues not included in the Bill.

There is an important distinction between registration as a building practitioner and an employee occupational licence.

Both registration and the employee occupational licence confer a right to physically perform the restricted work. But registration may also confer the right perform certain business functions, including for example, the right to enter into a major domestic building contract, or to be named as a builder on a building permit.

An employee occupational licence confers no business-related functions.

Provisional registration will not confer all the business-related functions of full registration. For example, a provisionally registered trade contractor will not be able to enter directly into a major domestic building contract with a consumer. Full registration is required for this.

Being named as the builder on a building permit results in an important duty. The builder named on the building permit is responsible for ensuring the compliance of building work, including building work carried out on that builder's behalf by sub-contractors, or by employees of the builder or the sub-contractor.

At common law the builder/head contractor is contractually liable to the principal for any defects but may have rights of recovery against trade sub-contractors. These common law arrangements will not be affected by any requirement on sub-contractors to be registered.

Further if a disciplinary charge is sustained against a builder named on the building permit, for failing to ensure the compliance of building work, there is no intention, arising from these amendments, that the disciplinary sanction should be diminished merely on the basis that a trade-contractor might also share some responsibility for that non-compliant building work.

What the government has accepted is that the fulfilment of the duty of the builder named on the building permit to ensure compliance, can be assisted if the trade-contractor can also be held accountable for non-compliant work through disciplinary processes.

The duty of the head builder may also be assisted if there is greater assurance that the sub-contractor has the requisite skill to satisfactorily perform the work in the first place.

The terminology under the Building Act is confusing. In the longer term, the Act needs to use more consistent terminology.

In the plumbing context, the licensing of a plumber confers business functions and responsibilities such as the certification of compliance of work over \$750, supervision of registered plumbers and apprentices and the requirement to hold insurance.

Registered plumbers are generally employees but registration is required for them to perform regulated plumbing work. This is akin to an occupational licence.

In the building context registration as a building practitioner confers business functions. For example, appropriate registration and insurance is required to enter into a major domestic building contract.

There is no equivalent provision for an occupational licence in building as occurs with the requirement for an employee plumber to be registered to perform regulated plumbing work.

The amendments to the Act create the potential for prescribed types of building work to only be performed by employee tradespeople with the appropriate qualifications and experience.

New regulatory framework for swimming pools and spas

The Victorian Coroner has made several recommendations relating to the establishment of a register for pools or spas, most recently in May 2017.

To respond to the Coroner's recommendations and improve the regulation of swimming pools and spas, the Bill:

- introduces amendments to require councils to keep and maintain a swimming pool register in accordance with regulations to be made under the Building Act;

- creates a new category of registered swimming pool inspector; and

- provides sufficient powers to make regulations requiring owners to undertake mandatory periodic self-assessment of pool barrier compliance and independent assessment of pool barrier compliance.

There are three pool barrier standards in Victoria which apply depending on the date of construction of the pool. However, information received from both councils and the private sector suggests that it is probable that the level of compliance with each of the required pool barrier standards is very low. Causes for non-compliance include fence boundary changes due to wear and tear, landscaping and house alterations, overgrown trees, worn out hinges and components, and ground movements causing connections, posts and latching components to move.

Analysis of data from the Coroner's Court indicates that, apart from the key issue of adult supervision of young children around pools, the greatest risk factor for drowning of toddlers is non-compliance with any of the existing three standards rather than whether the most recent standard is in place.

The regulations to be made after passage of the Bill, will be fundamental in establishing the new framework and will be subject to RIS analysis. However, the timing for making these regulations is uncertain at this time and dependent on the level of analysis required.

In the meantime, the government has requested that the VBA create a voluntary register and an online interactive pool and spa barrier self-assessment tool. This will enable pool owners to take voluntary action to achieve pool barrier compliance, ahead of the commencement of any new mandatory framework.

After the introduction of the new framework, there will be ample opportunity given to pool owners to bring pools into compliance before enforcement action is taken. The

registration, inspection and self-assessment processes will also provide an opportunity to reinforce key messages about the importance of adult supervision of toddlers around swimming pools.

Breach of Dispute Resolution Orders (DRO)

Domestic Building Dispute Resolution Victoria (DBDRV) was established to resolve building disputes without the cost and time often associated with courts and tribunals. As part of the dispute resolution process, it has power to issue a dispute resolution order (DRO) that can require a builder to rectify defective building work. A DRO can also require payment to a builder or payment into trust pending rectification.

DRO's can be appealed by either party to VCAT. If a builder breaches a DRO, this can result in DBDRV issuing a breach of DRO notice to the builder. If a builder believes he or she has not breached a DRO, application for review of the DRO breach notice can be made to VCAT.

The Bill includes a new ground for discipline where a breach of DRO notice has been issued to a builder and the builder has failed to seek review of the notice in VCAT within the time required.

The amendment requires the VBA to take disciplinary action within 28 days and to suspend, or partially suspend, the building practitioner's registration. It can do this based solely upon the evidence of the breach of DRO notice, and must do so unless the builder demonstrates why review at VCAT was not sought within the time required.

The Bill provides that the VBA may not accept an undertaking from a builder to comply with a DRO during a disciplinary proceeding where notice of a breach of the DRO has been given. This is because, at this stage, the builder will already have had an opportunity to negotiate with the owner, comply with the DRO or challenge the DRO in VCAT, and to challenge the breach of DRO notice in VCAT.

However, the VBA will be able to accept an undertaking from a builder to seek an extension of time for applying to VCAT for review under the circumstances outlined in the Bill. It would then be up to VCAT to decide whether to grant the extension of time under section 126 of its enabling Act. The intention would be that the disciplinary proceeding by the VBA would cease if VCAT granted an extension but would resume if the application for the extension failed.

Partial suspension is justified where a builder does not seek review of a DRO breach notice at VCAT because the builder has been issued a DRO breach notice by DBDRV and has not sought review of that notice at VCAT. This poses an unacceptable risk to potential domestic building consumers. In this case, the builder has demonstrated that they have performed defective work and is not prepared to either rectify the work or challenge the finding that the work is defective in the appropriate forum.

If the breach notice is cancelled, the ground for discipline no longer exists and any suspension is automatically lifted. The partial suspension can also be lifted if the builder satisfies the VBA that the builder has rectified the work or arranged for rectification, paid compensation or has agreed to do so or has reimbursed an insurer or agreed to do so.

Immediate suspension of registered building practitioners on public interest grounds

The Bill provides for the VBA to be able to immediately suspend a registered building practitioner on public interest grounds including, for example, where a registered building practitioner who has repeatedly shown a disregard for public health and safety considerations or a lack of concern for potential damage to neighbouring properties.

Building practitioners who no longer meet the 'Fit and Proper Person' test

The Bill contains a provision that where a disciplinary body (which includes both VBA and the Victorian Civil and Administrative Tribunal (VCAT)) makes a finding that a registered building practitioner is not a fit and proper person it must cancel their registration, either in a specific category or class or all categories or classes.

The Bill overcomes VCAT and Supreme Court decisions that lead to the conclusion that suspension, rather than cancellation of registration, is a disciplinary sanction which is open even if a person has been found not to be a 'fit and proper person' to be registered.

If only suspended, a person can resume practising as a registered building practitioner upon the completion of suspension without having to reapply for re-registration. If registration is cancelled the person must reapply for registration, which means the person would have to satisfy the VBA that the person is now a fit and proper person for registration.

The government's intention is that the fit and proper person test is not a 'point in time' test that only applies at the time of registration. It is an ongoing requirement for registration. Accordingly, the Bill provides that if a disciplinary body makes a finding that a person is not a fit and proper person to be registered, it must cancel the registration.

Continuing Professional Development scheme for plumbers

As a part of the development of the new Plumbing Regulations, the government has identified a priority legislative reform to improve professional development for plumbers to be included in the Bill.

The reform will enable a continuing professional development (CPD) scheme for registered and licensed plumbers. This reform is a key mechanism to ensure practitioners' skills and training are keeping pace with changes to industry, and will allow the VBA to consider whether an applicant has complied with prescribed CPD requirements in assessing an application for renewal of registration. It will also provide for consistency in CPD schemes between plumbers and builders.

Following passage of the Bill, regulations will be required to operationalise the CPD scheme for registered and licensed plumbers. This will be subject to analysis through a comprehensive RIS process.

Power for the Minister to ban high risk cladding products

The Bill includes amendments to address the Victorian Cladding Taskforce's Interim Report recommendation to implement priority measures to prevent the use of aluminium

composite panels (ACP) with a polyethylene core (as agreed at the Building Ministers' Forum) and expanded polystyrene (EPS) cladding, for class 2, 3, or 9 buildings of two or more storeys, and class 5, 6, 7 or 8 of three or more storeys.

The amendment will provide the Minister for Planning with the power to declare a ban on the use of a combustible external wall cladding product which would be published in the Government Gazette and the notice placed online.

The declaration will outline what products are the subject of the ban, which would need to fall within the definition in the Building Act of high-risk external cladding products. Once gazetted, the declaration would have the effect of law and would come into effect on the day specified by the Minister for Planning in the notice imposing the ban.

The Bill proposed a new definition be included in the Building Act that states what is meant by an external wall cladding building product to ensure the power is not applied to all building products. The Bill then defines what a high-risk external cladding product is — for example, a combustible building product that is or will provide a risk of death or serious injury arising from its use, whether it is to occupants of the building or neighbouring buildings, the public or any property.

Therefore, if the Minister for Planning believes a particular type of external wall cladding product presents a safety risk as per the definition then he can declare its ban. Any ban imposed can apply to specific uses, specified or classes of buildings, persons (builders, owners, architects, engineers, etc) who undertake building work, and be subject to conditions.

It is proposed that regulations could prescribe other circumstances in which a safety risk is posed by the use of such a product in a building.

These reforms will replace the existing interim Ministerial Guideline (MG-14) by providing a more permanent and robust ability for the government to prohibit the use of these types of products. The prohibition on the non-compliant use of these products will now be contained in the Building Act, which will also mandate compliance and provide consequences for not complying with the guideline.

The Minister for Planning would need to declare a ban by publishing it in the Government Gazette and by placing a notice online at least 48 hrs prior to the ban's effect, unless the nature of the risk is too serious to delay. Reasons for the ban will need to be outlined in the declaration.

The Minister for Planning has the discretion to seek submissions from the public on a particular cladding product by publishing a notice on the internet prior to issuing a ban. Consultation may be used to seek views as to whether the ban is warranted and the terms of the ban.

The Minister for Planning could also delegate this power to the VBA or to an officer of the Department of Environment, Energy, Land, Water and Planning. The Minister will also have power to revoke or issue new bans as new products or the state of knowledge improves about the products — it is flexible.

The VBA and the municipal building surveyor will have the powers to enforce compliance with the prohibition utilising existing offence and practitioner discipline provisions of the

Building Act, including fines of up to \$400,000 or 5 years imprisonment.

Power for the Minister to issue directions to municipal building surveyors and private building surveyors

The Bill amends the Building Act to provide the Minister for Planning with the power to issue Ministerial Directions to municipal building surveyors or private building surveyors that relate to their functions under the Building Act or regulations made under that Act. Any direction must be published in the Government Gazette. A municipal building surveyor or private building surveyor must comply with the direction, provided it is not inconsistent with the Building Act or regulations.

Enhancing the powers of the VBA

The following Bill amendments are aimed at improving the ability of the VBA to act as an effective and efficient regulator for the purposes of rectifying the use of non-compliant combustible cladding in Victoria.

Destructive testing powers

Amendments to the Building Act related to information gathering came into effect on 31 January 2018, but they are silent on whether the new seizure and sampling powers allow for the VBA to conduct destructive testing which many modern regulators are able to undertake.

The Bill therefore contains an amendment to the Building Act to provide an explicit power to enable a municipal building surveyor, private building surveyor or an authorised person to take samples of building products and destructively test them, if necessary, to determine if their use is non-compliant with the Building Act or regulations.

The Bill provides that 'authorised persons' can destructively test any building product or material which has been examined, seized or sampled if the authorised person suspects on reasonable grounds that the building product or material is connected with a contravention of the Building Act or the regulations. However, the Bill provides safeguards by limiting the power to examine or test only where there is a reasonable belief that it is reasonably necessary. This will allow the VBA, municipal building surveyors or private building surveyors to determine whether the exact type of any cladding on a site or premises, as part of the state-wide audit, is a prohibited product where there is uncertainty.

Minister can specify a class of buildings for which the VBA can act as a municipal building surveyor

The Bill amends the Building Act to clarify the powers of the Minister for Planning to grant the VBA the functions of a municipal building surveyor. Currently, only a specified building or land can be gazetted, and it is unclear whether a class of buildings or land could be gazetted. The Bill will allow a class of buildings or land to be gazetted. This would reduce any legal risk of challenge to any gazettal which involves a class or type of building resulting from the state-wide audit, if necessary.

Reduced time limit for the VBA to notify of intention to issue a direction to a municipal building surveyor or private building surveyor

The Bill amends the Building Act to reduce the current 14-day requirement for the VBA to provide prior notice to a municipal building surveyor of its intention to issue a direction. The requirement to give 14 days notice prior to issuing a direction can result in unnecessary delays and may prevent a municipal building surveyor from exercising their regulatory compliance functions.

The Bill will address this issue by including the ability for the VBA to:

reduce the notice period required from 14 days to 7 days; and

provide that the suspected presence of a prescribed building cladding product will allow the VBA to reduce or remove the 14-day notice requirement.

This approach will be reinforced by having a clear operational escalation pathway providing guidance as to when the VBA should act to direct a municipal building surveyor, and if necessary, step into their role if the Minister for Planning grants the VBA the necessary powers. It will always remain the discretion of the Minister whether to provide the VBA with additional powers on a case by case basis.

Clarification that building notices can be issued after the issue of an occupancy permit

The Bill amends the Building Act to make it clear that a private building surveyor, when acting as a relevant building surveyor, can continue to issue buildings notices and orders after the issue of an occupancy permit.

It has generally been accepted by government and the VBA that, under Part 8 of the Building Act, a private building surveyor can continue to be able to issue building notices and orders after the issue of an occupancy permit. However, the Supreme Court decision in *LU Simon & Others v Victorian Building Authority* in December 2017 cast some doubt on this interpretation. Providing an express provision in the Building Act puts it beyond doubt that the regulatory functions and responsibilities of a relevant building surveyor for building work do not cease once they issue an occupancy permit or certificate of final inspection.

The VBA's ability to issue directions to a relevant building surveyor and a municipal building surveyor needs to be preserved for the VBA to be able to effectively address compliance in the cladding context. It is not feasible and will result in significant delays for the VBA to be appointed as the municipal building surveyor for each non-compliant building. Instead, municipal building surveyors and private building surveyors should be encouraged to work collaboratively with the VBA to address this state-wide issue.

Cladding Rectification Agreements

The Bill amends the *Local Government Act 1989* to provide for cladding rectification agreements (CRA) to allow building owners and owners corporations to access low-cost finance to fund cladding works and allow for any long-term costs to be borne over time.

The amendments will provide an enabling framework that would allow councils, owners/owners corporations and lenders to enter into voluntary cladding rectification agreements (CRA) and have loans for cladding rectification repaid through the council rates system.

A CRA would provide an outline of the rectification works required to be undertaken on the rateable land of the owner that the lending body will advance specified funds to ensure that work is conducted.

The amendments will provide owners corporations with the ability to enter into CRAs on behalf of the owners, subject to having approval from at least 75 per cent of those owners. If approval is met, the repayment charge would be applied to all members (owners) of the owners' corporation. This will allow owners corporations to fund the rectification of non-compliant cladding over a number of years (at least 10 years) to allow owners to pay the charge over a period of time. The proposal would also allow the ongoing liability to transfer from owner to owner as the units are sold over time.

In implementing the agreement, a council would levy a cladding rectification charge on the rateable land and use it to repay the lending body the principal amount initially advanced to the owner plus any agreed interest accrued since that advance. Councils would be able to include an administrative charge to recover costs.

The amendments will include controls over debt levels to ensure that the levying of a charge, which takes precedence over any existing mortgage, does not diminish the security of such a mortgage.

Under these amendments, a council will not be able to enter into a CRA unless the council is satisfied that, for each separately owned occupancy, the total amount of taxes, rates, charges and mortgages owing on the rateable land when added to the total value of the cladding rectification charge is an amount that will not exceed the estimated capital improved value of the land at the conclusion of the works.

Further, before entering into a cladding rectification agreement, the owner of the separate occupancy must notify any existing mortgagee of the intention to enter into the CRA.

The total amount of taxes, rates, charges and mortgages owing on the rateable land under the CRA must be apportioned based on the separate lot occupancies on the rateable land.

It is also intended that the spread of payments continue after any transfer of title (as a new owner would normally be required to pay out the charge at settlement). This is to ensure that a prospective purchaser is not required to pay the entire charge up front, which would be likely to prevent a sale in the event of an outstanding cladding rectification charge.

If the ownership of the land changes, the person acquiring land is liable to make all payments of the cladding rectification charge that fall due after the date on which they become the owner of the land.

The amendments allow an owner to pay cladding rectification charge instalments in advance of the due dates to reduce interest costs.

Consultation with councils will be ongoing as the CRA scheme becomes operational. To date, councils have

indicated qualified support to the CRA proposal provided that some level of financial and administrative incentives/support is available by the State Government to encourage take-up by councils in entering into these agreements. An operational strategy will be developed in consultation with councils to address these concerns and to ensure there are incentives built into the scheme to encourage their take-up.

Other technical, minor and consequential amendments

The *Building Amendment (Enforcement and Other Measures) Act 2017* introduced the system of a builder named on a building permit. This Act provided for the relevant building surveyor to change the name of the builder named in the building permit to another building practitioner or insured architect engaged to carry out the building work. If the *Engineers Registration Bill 2018* is passed by parliament, this will also include an endorsed building engineer.

Under the system of the builder named in the building permit, an owner of land can be named as an owner-builder in the building permit. The Bill amends the Building Act to suspend a building permit if the owner-builder ceases to own the building or land. The Bill will also provide for a certificate of consent issued to an owner-builder to expire if the land in relation to which the certificate of consent is issued is no longer held by the owner-builder. These changes will clarify that an owner-builder cannot continue to be responsible for carrying out building work as the builder named in the building permit if the owner-builder no longer owns the land.

The Bill amends the Building Act to clarify that the builder named in the building permit may be changed to another person who is entitled to be named as the builder on a building permit. The building permit will be unsuspended after a new builder is named on the building permit.

The Bill will improve the administration of the Building Act by providing for the Authority to issue registration cards that include a recent photograph of a registered building practitioner. The Bill will also enable registration cards issued by the Authority to be used as part of a photographic identification required by an authorised person exercising a power of entry under the Building Act.

I commend the Bill to the house.

Debate adjourned on motion of Mr BATTIN (Gembrook).

Debate adjourned until Tuesday, 21 August.

VICTIMS AND OTHER LEGISLATION AMENDMENT BILL 2018

Second reading

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

Mr PESUTTO (Hawthorn) (14:06) — I am pleased this afternoon to be able to rise and speak on the Victims and Other Legislation Amendment Bill 2018. It is a subject that is very dear to us on this side of the house, as it should be for everybody in fact. We have spent

much of this term of the Parliament engaging with victims, victims' advocates and community groups, talking to them about the justice system and listening to them — not only hearing stories about their anguish at the crimes that their loved ones have had to endure and in many cases have lost their lives to but also hearing their experiences about how our justice system leaves them marginalised, feeling isolated and alone.

Whilst I do not want to identify any of them by name — there is no shortage of them — they, almost to a person, relate stories about how during a trial process they are left to fend for themselves, often having to chase up information from prosecutors, investigators and also the courts, and how they feel like decisions are made completely in their absence and they have no ability to influence those decisions. I think it is fair to recognise that for victims. I do not think any of them are presuming that any relative of a victim or any victim should be possessed of a right to veto prosecutorial decisions or other investigatory decisions in the course of a prosecution. They do not imagine that that is an appropriate change in our justice system; they understand that our prosecutors must enjoy some independence. But their ability to influence decisions is very much in dispute, and it has been a matter that we on this side of the house have had some differences with the government, it must be said.

To be fair, I think we all want to support victims, but the question is: how far are we prepared to go? It is a fundamental question for us to wrestle with when we consider what kind of justice system we want to give the Victorian people. There are many Victorians who genuinely feel, and I am one, that our justice system obsesses to the point of ignoring victims over the welfare and interests of perpetrators, who are not to be ignored in our justice system — of course not. Our justice system is built on centuries-old principles, customs and traditions, which are there to safeguard all. But a lot of the coverage in recent years about the fate and actions of perpetrators really has dwelt upon how our system has been geared to their interests.

Victims are often seen as damaged or as people who of course will say the things they are going to say. There but for the grace of God go the rest of us and we can hope we are never in their position. We do not elevate them to the role they deserve to occupy in that system. We have worked with some very brave advocates for victims: George Halvaxis; Caterina Politi, who for all the wrong reasons has been in the media over the last 24 hours; the Cronin family; the Bertocci family; and other families who have lived through the searing experience of the gravest forms of crimes that have taken loved ones from them. For them to persist and

pioneer for changes to our system in the way they have is something that is truly remarkable, and I want to pay tribute to them.

We recognised this problem even in the last Parliament, although I was not a member. In the last Parliament the then Attorney-General, the honourable member for Box Hill, referred to the Victorian Law Reform Commission (VLRC) a reference to look into the role of victims in the criminal trial process. The bill we are debating today is very much a product of the work of the VLRC, and I want to pay tribute to the VLRC for its work in this space. It will, if its recommendations are implemented as fully as possible, change our justice system in the right way, putting victims ahead of the perpetrators and helping to craft a criminal justice system that makes it clear to everybody, in particular those who have committed offences but also those who are at risk of committing offences, that this is what your criminal actions cause. There is no better way if we are to maximise the impact of general and specific deterrence and if we are to maximise the impact of denunciation as an objective of sentencing. Then the role of victims is paramount.

That is where, to be quite candid, we disagree with many on the left. There are many agencies and organisations that argue that our system is failing because we do not invest more than we already do in the rehabilitative and diversionary functions of our scheme. To be fair, those functions of our scheme are vital and need to be supported, but I think one of the reasons why we are seeing reoffending rates go up — and they have gone up considerably not only for custodial sentences but also for non-custodial outcomes in the last two to three years in particular — is because of the absence of focus on the effect of violent crime, in particular on victims, and perpetrators facing that head-on. Whilst many advocates campaign on the basis that the best way to achieve this is through restorative justice and while restorative justice can serve some purposes, at the serious end of offending it is a far more difficult position. If you are the relative of a loved one who has been brutally raped and murdered, restorative justice has its limitations — as well-meaning as it is and as important as it can be for lower level offending.

For the more hardened type of offending we need a way through policy to achieve those objectives of deterrence and denunciation, in particular through the experience of victims and through elevating the role of victims — making their presence throughout the criminal trial process more conspicuous and more meaningful. Our view is that perpetrators who see that more keenly and feel it more keenly stand a better chance of changing their ways and coming out the other

side of their sentence experience, whether it is a custodial or non-custodial sentence, with better hope of a more fulfilling pathway after that — but that is difficult. We know that nearly one in two inmates will come out and reoffend within two years, and that number has been going up steadily. We also know people on community correction orders are reoffending at a much higher rate, and the role of victims can very much change that.

We are not opposing this bill today. There are some things in this bill that we very strongly support, and I will come to those in a moment. We certainly do not oppose what the government is doing, and it is very much what we would do. In the victims space we had hoped the government might take this opportunity — one of the last opportunities the government will have before we move into caretaker mode — to introduce measures that would lend more substance to the role of victims.

Certainly the bill does a few things to enhance the ability of victims to make complaints about the way a prosecution has been conducted, but it does not seem to go as far as we would go. When we announced in January of last year that we would adopt all but a few recommendations from the Victorian Law Reform Commission report, with those that were not being supported to remain under active consideration, we adopted the full range of recommendations, including recommendations such as enshrining in law the right to seek an internal review of decisions. This bill does, to be fair, extend to victims greater abilities to express grievances about the conduct of a prosecution, but once a response has come back that is basically it. It can go to the Victims of Crimes Commissioner and the Victims of Crimes Commissioner can pursue it as a systemic issue, but the ability of victims to have more influence is limited in that way. So we have certainly committed to go further in relation to that.

To the extent that the bill does improve the position of victims, we are supportive of that, and we hope that when this bill passes the other place and is assented to it can commence as soon as possible, because it cannot come soon enough. When we think about this report of the Victorian Law Reform Commission, it began its work in 2014 and it reported to the government two years ago, in August 2016. We have seen a couple of bills come forth from the government to implement some of the recommendations, which will go some way to improving the experience of victims in the trial process. This bill will go somewhat further but, again, will stop short of the full suite of measures that we would move to implement.

One other area that I had hoped the government might address in this bill is how we might improve the position of victims in relation to compensation. I say that acknowledging that no amount of money will ever restore the relatives of a lost victim, or a victim, to the position they enjoyed prior to a traumatic crime, but compensation is part of the process of at least easing the financial burden on victims and their families. It also complements what I was saying earlier about making sure that perpetrators feel the full force not only of the law but also of the effect of crime on fellow human beings. It may well be that perpetrators have never experienced that before.

I would like to see changes that would see perpetrators who face compensation claims actually have to sit through the process unless there are exceptional circumstances as to why they should not. They should be brought before these processes so they can hear directly from victims about the effects of the crime on their lives. To some extent that is, to be fair to the government, addressed in this bill — in part because the government has moved to expand the opportunities around victim impact statements, and that is a welcome change. But there is more we can do and more we must do, in my view, to make sure that not only are victims having their place enhanced but perpetrators are being exposed to that.

The power of messages directly from victims — not only in the trial process through victim impact statements and the ability to influence prosecutorial and investigatory decisions but also in the compensation side of things in proceedings before the Victims of Crime Assistance Tribunal — provides a really good opportunity. We need to start thinking this way, I think, if we want to try and look at the criminological factors which influence a perpetrator's post-sentence experience. What is it that can alter their experience more than anything else?

We invest a lot, as we should as a community, in diversion, in rehabilitation, in training and in education. Victoria traditionally has performed rather well compared with other jurisdictions across Australia, but we have not done enough, as I said earlier, to expose perpetrators to their full impact upon victims. Our view and our thinking on that is that having a perpetrator — even hardened criminals who have performed atrocious acts — experience, firsthand, directly and maybe on a number of occasions, the full impact on victims is one of the best chances. It is not certain, but it is one of the best chances we have to influence thinking in the mind of a perpetrator who is serving time and, if not to change their behaviour significantly, to make some changes to their behaviour in the future.

That is not an easy ask in any case. Somebody who has lived a life of violent crime and is pathologised by our criminal justice system because they have been in and out of custodial facilities is not easily going to be reformed, if ever. The sad fact is with some offenders redemption is beyond our best endeavours. But our view, across the justice system, is that a lot can be done. That is why this work around victims does not just have immediate benefits. In our view it is actually crucial to changing trends in crime overall.

Some people want to forget about victims. I have seen some agencies, community organisations and advocacy groups never mention victims; it is all about the experience of the perpetrator, who as I said before, is not to be forgotten in the system either, but they want to obsess about the position of perpetrators. They misunderstand not only the responsibility we have to victims but also that the opportunity to tap into their stories, their experience and, frankly, their anguish can allow us to change behaviour to the best extent possible, being realistic at all times about what is achievable and what is not.

The missed opportunity to do more on the compensation front is lamentable. This bill could have been an opportunity to do more around that. Victims' access to compensation is for the most part in our hands, as a state. Where superannuation is concerned it obviously does involve intergovernmental relationships with the commonwealth, but I want to pay tribute to federal Minister Kelly O'Dwyer, who not only has been receptive to the idea of looking at how criminals can be made to account financially for the loss and injuries suffered by victims but has done something about it. She has looked actively into how we can allow victims and their relatives to tap into superannuation entitlements to make sure that they can be supported through the difficult road ahead for them. That is something that I think is lamentably missing in this bill.

I did want to talk about obviously the other half of the bill, which is of great significance and importance, dealing with the historic discrimination and, in some ways, oppressive nature of the way our system treated children in the welfare system. We accept that there was a disproportionate impact on young Indigenous Australians in that process. As we all know, for decades up until, if I am not mistaken, 1992, the orders that were issued by courts in relation to children who were the subject of our child welfare system would carry a criminal connotation and be seen as, at least for administrative purposes, criminal matters, even though they had done nothing wrong — they were guilty of no crime. It is hard to imagine why our system operated thus for so long and indeed why it took so long for

matters to be addressed and the situation to be redeemed as late as it was in 1992.

We support what the government is proposing here. It is fair and just that the historical wrong be recognised in this bill and that we recognise on behalf of previous governments and on behalf of the Victorian community the contrition that we ought to extend to those who were subjected to this treatment. We know, sadly, that it affected the life prospects of so many young kids as they matured into adulthood. Reference is made to Aboriginal elder Mr Larry Walsh, known as Uncle Larry Walsh, who is fittingly recognised in the Attorney-General's second-reading speech.

We support the government's apology for these historical welfare recording practices. We only hope that the passage of this bill will assuage some of the deep anguish that those who suffered at the hands of this practice might have experienced and that they might see this as some small comfort for the deep feelings that they would no doubt harbour and continue to feel today. We cannot undo what has been done, but if this bill does as we all want it to do — redeems that wrong — then hopefully for those who suffered at the hands of this practice, their future might just be a little brighter.

Mr PEARSON (Essendon) (14:25) — I am delighted to make a contribution on the Victims and Other Legislation Amendment Bill 2018. The opposition's lead speaker in the latter part of his contribution referred to the lack of differentiation between the child welfare system and the criminal justice system prior to 1992. I agree with the member for Hawthorn: it is perplexing that the system was designed in such a way. I note the member for Northcote is in the chamber. I suspect the member for Northcote will probably speak on this bill and I suspect that she will concentrate on this particular issue.

You cannot for a moment underestimate the significant impact the architect of this system would have had on the influence of those children brought into contact with that system. I have spoken in this place in the past about adverse childhood experiences. There are about 10 different measures, and in the past I have read every measure into *Hansard*. I will not do that today. But needless to say, if a child is in an environment where they are exposed to adverse childhood experiences — where they are beaten, where they are abused, where they are belittled, where they are made to feel unsafe — then that has a significant deleterious impact upon their lives as adults. I have seen research which shows that the brain of a child that has been traumatised essentially shuts down. The synapses do not connect and do not develop in the same way. What

you then have is that when a child who has been traumatised and who has been brutalised enters an early learning environment, they are behind their peers. The achievement gap is in place, and in many cases that achievement gap is never overcome.

Malcolm Gladwell, in his book *Outliers: The Story of Success*, talked about Canadian professional ice hockey players. He postulated why it is the fact that most Canadian ice hockey players are born between January and March. What he found when he did his research was that in Little League ice hockey the children start on an annualised basis, so children born in January are competing with children born in December. What that means is that you have a set of circumstances where some kids are nearly 12 months older than their peers. They are bigger, they are stronger, they are better at the game because they are more mature. They get more game time and so they get more experience and they become more proficient. As a consequence of that, the children who are born in the latter part of the calendar year tend to get left behind. So the stronger become far stronger, far more able and adept and equipped to go on to greatness, and the rest are left behind.

I raise this in the context of this particular issue involving children who have already been traumatised through having had an adverse childhood experience. Bear in mind that if you are a male and you score 4 out of 10 or more, you are 47 times more likely to be an intravenous drug user as an adult. If you have already got a number of challenges that you are confronting, how much harder will it be as an adult to indicate that you have got a criminal record through no fault of your own but because of the fact that when you were a child you came into contact with a care and prevention order and therefore are treated in the same way as if you had committed a criminal offence? It just makes it so much harder for a child who becomes an adult to achieve their potential and to lead a meaningful and fulfilled life.

Again, 1992 was not that long ago. For some of us, I suppose, it feels like it was yesterday, seeing Guns N' Roses at the Thunderdome. I think that was in 1992.

Honourable members interjecting.

Mr PEARSON — *You Could Be Mine*. It does not seem so long ago, and yet this is where we find ourselves. Paying acknowledgement and respecting the fact that people have had a really traumatic experience and apologising is a really important initiative. I think it is incredibly important that that is dealt with.

The bill also provides more support for victims of crime. As the legal system has grown and developed over the course of time, it is more reflective of the views, the values and the opinions of the community now than it was previously. In the past there was a view put that the judiciary was somewhat removed and that there were established practices in case law and that those practices were impermeable — they were set in stone and they were to remain in place. What we have tried to do with this bill is look at providing greater levels of support for victims, both in terms of providing victims with advice about hearings, particularly for younger victims or people who have not come across the justice system before. I think this is a really important initiative. It is about trying to make sure that the Director of Public Prosecutions speaks with victims and understands they have been abused before a decision is made. It is about providing victims with the reasoning for a decision.

Whereas in the past there was a view that victims were there to give evidence and nothing more and that we were not there to listen to or contemplate the impact that a crime had on the life of a victim, this is about providing that level of support for victims. If you have been a victim of crime, having these measures in place will not necessarily take the pain away. It will not completely remove the trauma that you have experienced, but I think it will at least make you feel more comfortable when you are in that adversarial environment, and it might just help the healing commence sooner and be more effective than would otherwise be the case.

The bill also ensures that there are rights in place for victims to be able to make a complaint to an investigating, prosecuting or victims services agency. I think putting that formally in place is an important initiative because when you have got those formal channels and pathways for a person who feels aggrieved or that their issues have not been addressed, if there is a specific and codified response and the ability for them to be able to seek redress, that is quite helpful and useful, as opposed to them being told, 'You're not happy with the decision, well, there's nothing much we can do about that. You've just got to like it or lump it'. I think that providing that pathway forward is really important as well.

The bill will also allow judges to give specific directions to address misconceptions about the evidence of children. In the past there has been a view put forward that children might be unreliable witnesses. This will enable the judges to be able to provide a clear direction to the jury. I refer specifically to clause 30 of the bill, which states with new section 44N the giving

of a jury direction on the language and cognitive skills of a child witness. The direction is based on extensive empirical research on children's ability as witnesses in criminal proceedings and it talks about that in a bit more detail. I think ensuring that the jury can have some level of confidence in the capacity of a child witness to give evidence is very important and clearly this addresses a weakness in the current system. That is quite important as well. I also draw the house's attention to clause 26 in new section 8L(5), which refers to the fact that a court:

... may receive the whole of a victim impact statement despite (a) an objection being taken to the statement or part of the statement; or (b) the statement containing inadmissible material.

That:

reflects current practice, explained in *Dowlan* and *Swift*, where a court may accept a victim impact statement in its entirety despite it containing some inadmissible content.

I think this is an important initiative because if a person has been traumatised or if a person has been violated then they should be allowed to give full voice to their feelings. It would be unfortunate for that to be ruled out because the language may be emotive or might not fit. I do commend the bill to the house.

Mr D. O'BRIEN (Gippsland South) (14:35) — I rise to speak on the Victims and Other Legislation Amendment Bill 2018. As the member for Hawthorn has outlined, the opposition is not opposing this legislation, and indeed we strongly support key aspects of it. I acknowledge that much of this bill is as a result of the Victorian Law Reform Commission recommendations handed down in 2016, and I believe that law reform reference was made by the then Attorney-General, the member for Box Hill, back in 2014 to ensure that this Parliament, the legal system and the state of Victoria properly consider victims in our legal processes and make sure that their experience of a crime is adequately acknowledged and addressed in the court process, but also that victims themselves are supported and guided through the process.

This bill addresses a couple of those issues. First, the bill goes to the issue of historical recording of child welfare care and the criminal justice system which, as both the member for Essendon and the member for Hawthorn pointed out, is somewhat baffling to us today as to why there was a link between the child welfare system and the criminal justice system. As a result the processes for dealing with children who had to be put into state care were not clearly differentiated from the criminal justice system. Records of court orders that authorised the taking of children into care reflect that lack of distinction

between the two and led in some cases to the fact that when a child was taken into state care it was actually recorded as a criminal history. As the previous speakers have outlined, that caused significant issues and I acknowledge that was particularly the case for many Indigenous children as well.

It is an unfortunate but a sad fact that in this chamber we are often righting past wrongs. I am regularly reminded of the wrong that occurred with mothers whose children were taken from them at birth — often single mothers, mothers whom it was deemed at the time could not support a child. I acknowledge my colleague the member for Gippsland East here at the table as well. He would also be a regular recipient of emails from Brenda Coughlan, who runs Independent Regional Mothers and was a driving force behind the parliamentary apology to those mothers in 2012. Brenda has been a force of nature with respect to ensuring recognition and the apology to those mothers who went through such a terrible experience was rectified in this Parliament. She continues to this day, and there is a beautiful memorial in Victoria Park in Sale, as a result of the work that Brenda did, to commemorate the apology in 2012. That was unveiled by the former Premier, Ted Baillieu, and my predecessor, Peter Ryan, who were involved in the apology, which was, and I place on the record, a bipartisan apology.

I digress a little on that because firstly I wanted to acknowledge Brenda's work in the space, but also because there are similar situations with respect to this bill, and the effect on children in state care at the time, in particular Aboriginal children. I am sure others will expand on those who brought this issue to light.

This bill clarifies that aspect. It addresses the situation of those children who did nothing wrong and who, through no fault of their own, ended up with a criminal record, so that is certainly strongly supported.

The second aspect, as I alluded to earlier, relates to the recommendations of the Victorian Law Reform Commission from 2016. It builds on the Justice Legislation Amendment (Victims) Act 2018, which was passed earlier this year — in February — and also addresses some of the issues with respect to victims. This bill gives formal recognition to the role of victims in the criminal justice system and ensures that their views, particularly through victim impact statements, are accorded the significance that they deserve in criminal proceedings. I understand that the practice, irrespective of the emotion that might go into those statements, is that they are generally not argued in court but that the courts are quite permissive when it comes

to ensuring that they can be taken into account in a criminal process. This bill ensures that that is the case, and I think that is a good thing.

Thankfully for my own part I have had no experience of the criminal justice system as a victim, but I know there are many stories about victims who have not had a good experience of the court system, and that includes families and friends of victims as well. Even in the short time I have been a member of Parliament I have had a number of constituents come to me with their complaints about the system, and it is not always about their rights as victims. Regularly it is about the outcome of the judicial process, so it is important that as a Parliament we work towards ensuring that the voices of victims are heard and that they are given due respect by the court system.

That is why it is pleasing that the Liberals and The Nationals have been championing the cause of victims, both when we were in government from 2010 to 2014 and in opposition. We have made a number of announcements, going back to 4 December 2017 when it was announced that we would introduce victims of crime compatibility statements that will effectively serve as a victims-first clause for any relevant future Victorian justice-related legislation to ensure that victims needs and views are taken into account. On 10 January 2017 we announced that we will give victims a more prominent place in the trial process, in particular through changes to victim impact statements. That is actually what is being addressed in this bill here today, so it is pleasing to see that that aspect is being enacted in law ahead of the election. That is a good thing.

We also talked about providing better access to compensation. I note that we said at the time that we would work with the commonwealth on potential ways to give victims access to the superannuation entitlements of perpetrators. I understand that the commonwealth has similarly announced its intention to move to that effect as well, so that is certainly improving the access of victims to compensation as well.

On 28 April this year the Leader of the Opposition and the shadow Minister for Police, Ed O'Donohue in the other place, also announced that we would increase membership of the parole board by one member, with the additional member directly being a victim of crime or a victims' representative community member. That is also a good thing.

While this legislation perhaps does not go as far as those commitments that I have outlined, it is certainly a step in the right direction with respect to victims. I hope that the clauses with respect to children previously in

state care will do a lot to address the harm that was done to those children throughout their lives and that through this small piece of legislation the Parliament is again righting a past wrong.

Mr McGUIRE (Broadmeadows) (14:45) — Too often what happens in children's early years blights their lives. That is why this bill is important. What it does is promote the rights of victims of crime as participants in the criminal justice system, address common misconceptions about the evidence of child witnesses and confirm that records of historic child welfare care and protection applications are not criminal records and are not to be characterised as being of a criminal nature. That is the nub of this bill and is the most significant proposition that it goes to.

If we look at this bill, significantly it clarifies that historical child welfare records that resulted in relevant historical care and protection orders being presented on a person's criminal history report are not to be regarded as criminal convictions or findings of guilt, and this bill acknowledges the harm caused by this practice.

Yet again here is the Parliament addressing issues from the past. 'The past is never dead. It's not even past', as Faulkner said, so these are the issues that we have had to address. We have seen it with child sexual abuse in institutions and the way that different institutions and different parts of government have classified or characterised propositions in the past that we now know have overshadowed people's lives and have caused unnecessary stress and trauma on many occasions. That is why this bill is important and why I want to commend the Attorney-General for bringing the Victims and Other Legislation Amendment Bill 2018 to the Parliament.

I want to acknowledge the contributions from other members. They have all been considered. It is good that we have this bipartisan approach to such matters of deep concern to people. There is provision in the bill that makes it clear that these amendments do not affect any entitlement to compensation or create any such entitlement. The issue of compensation requires further, broader consideration, so that issue still stands separate to this bill.

I also want to acknowledge that feedback has been comprehensive. Community organisations — such as Care Leavers Australasia Network, Woor-Dungin, Victorian Aboriginal Child Care Agency, Open Place and Berry Street — have indicated that they support the reforms in principle. It is important that we have this community backing. Community organisations have also been consulted on a statement of recognition, and

the statement has been revised to incorporate their feedback. That is the government again listening, and then it is acting on the feedback that it gets from key groups who are representing people who quite often struggle to have a voice and to get their arguments heard by the people who have the power to make a difference and to make a change to something that has blighted their lives.

Some of these organisations consulted with members of the Aboriginal community on the reforms, and feedback received from that consultation is incorporated in this bill. Care leavers groups, including the Care Leavers Australasia Network, Berry Street, Open Place and Aboriginal advocacy groups have highlighted the importance of the government formally acknowledging the harm and distress caused by past welfare practices. These groups also highlighted that although these records may not technically be records of criminal offending, they have resulted in the person having a criminal history. Additionally, past welfare processes were often experienced as criminal processes and were procedurally indistinguishable from criminal matters in the Children's Court. That was, I presume, an unintended consequence, but nevertheless a real consequence. Accordingly the amendment acknowledges the considerable harm and distress caused by relevant historical care and protection orders being recorded by the state on criminal records.

The amendment also recognises that Aboriginal children were disproportionately impacted by historical state welfare practices, and therefore these recording practices have had a disproportionate impact on Aboriginal children. As I understand it, there is little information known on the number of children in care prior to 1928. An estimation by the Department of Health and Human Services on the number of children in institutional care between 1928 and 1989 is 50 000, although this number may be lower as the figure includes those who may have been in care more than once.

This is the Parliament today, the 58th Parliament of Victoria, looking back and saying, 'Here's a historic wrong. What do we do to actually address it, and how can we move on with a more enlightened view for the future?'. I also just want to address the fact that care leavers stress the significant harm caused by releasing relevant historical care and protection order records in a manner that suggests they are criminal in nature. To address this a statutory obligation has been developed to ensure that responsible agencies, not including Victoria Police, do not release these records without attaching contextual information that addresses and corrects the apparent criminal nature of the records. I

am advised that to reflect Victoria Police's unique position as the organisation responsible for generating criminal records a separate obligation will apply which is confined to attaching contextual information for the release of relevant historical care and protection orders in the context of freedom of information requests. The government is working with Victoria Police to ensure that relevant historical care and protection orders are no longer included on criminal records produced by Victoria Police. So this is the important consideration for that matter.

The Victims' Charter Act 2006 sets out principles that govern the response to victims of crime by investigatory agencies such as police, prosecuting agencies such as the Director of Public Prosecutions and the police and victims service agencies such as victims assistance programs. The objectives of the victims charter are to recognise the impact of crime on victims as well as on their families, witnesses and the broader community. We have seen this in many of these parliamentary investigations in the committees that we have done. The ripple effect should never be taken for granted, so I am glad that we have that proposition. The charter also recognises that victims should be treated with respect and should be assisted to access services to help with their recovery and to help reduce the likelihood of secondary victimisation by the criminal justice system. These objects are based on the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. This is a considered bill that looks at a nuanced response to these issues of historic nature.

I also want to come to the issue of other reforms. In May 2017 the government announced almost \$30 million in funding to boost support services for victims and witnesses including funding for intermediaries, the victims of crime commissioner (VOCC) and the Office of Public Prosecutions. This was an important backup and support that this government delivered because the funding included the development of a two-year pilot of an intermediary scheme implemented in February of this year with the passing of the Justice Legislation Amendment (Victims) Act 2018 and more funding over four years to strengthen the role of VOCC to better identify and investigate systemic issues that victims experience when in contact with the justice system. That is important as well to look at the systemic propositions that need to be addressed. In addition to the most recent Victorian budget, there has been more funding to look at victims of crime, to look at the intermediary scheme and to enhance the capacity of child witness services.

When you bring it all together, this is another piece of legislation that goes to the architecture of how we address historic wrongs or unintended consequences and how we actually put the care and the embrace of the state around people to help them get back on their feet, to get their lives focused, to have a better future and to not be dogged by these records from their past — to not have them blight their future lives like shadows. I think this goes to some of the real themes of the Andrews Labor government in terms of how we take this approach to the social aspect of the agenda that we bring to this Parliament. I think this is another bill that does that credit, and I commend the bill to the house.

Ms THORPE (Northcote) (14:55) — I rise today to speak on the Victims and Other Legislation Amendment Bill 2018. For so many Victorians, for me and many of my people, this is a historic bill. It addresses two separate but related issues: those of victims' rights in the criminal trial process and the historical recording of child protection needs on criminal records. The Greens support this bill. We support reforms that place an increased emphasis on the rights and experiences of victims in the criminal trial process.

The work underpinning reforms for victims took place in 2016, led by the Victorian Law Reform Commission, and it is a very good thing that these changes are being made. Those reforms will be given effect through the first parts of this bill. Part 6, amending the Children, Youth and Families Act 2005, deals with the separate issue of historic practices of recording child protection needs. We strongly support change to ensure that children in need of protection who gained a criminal record through no fault of their own have this historical wrong formally recognised, and a guarantee that these records will be treated in a way that ensures no further detrimental effect.

The Greens have advocated strongly for these changes since last year when my colleague in the other place, Nina Springle, moved a motion for this historic practice to be investigated, rectified and for an apology from the state to those affected. I would like to extend my personal thanks to Uncle Larry Walsh for his instrumental role in bringing this issue to light. Uncle Larry has in some ways become the face of this issue since his story was reported widely last year. But of course he is not the only one. There are thousands. These children were taken from their families, and they have borne the burden of persistent discrimination and a criminal record for their entire lives to date. The injustice against these people can never be undone — apology or no apology.

In his second-reading speech, the Attorney-General acknowledged that:

... Aboriginal children were disproportionately impacted by historical state welfare policies. As a result, Aboriginal children were also disproportionately affected by recording practices of the state.

He also acknowledged the 'significant personal intergenerational harm caused by historical welfare recording practices'. The sentiment is spot-on, but the language is not. This language of being disproportionately impacted by the harm of recording practices fails to go to the core of this issue. It is clinical, and it does not accurately reflect the grim, horrific reality of the wrongs that Victoria as a state was complicit in. These children were abused, many of them raped, and instead of their perpetrators being charged, the children were charged and often incarcerated. Many were treated as criminals in the institutions they were committed to, where staff encouraged them to accept responsibility for the crimes committed against them. All of those affected lived with those charges their entire lives.

Our child protection system destroyed lives when it should have been working to protect and nurture those children. In the case of Aboriginal kids, it was part of a system that continued to devalue, discriminate against and persecute my people. So while we welcome this bill and we welcome an apology, it is so important that this is part of an ongoing process and a wider commitment of support, resources and intent. What we have learned from the stolen generation apology is that words are hollow without action. We need real change, including in policing and our legal system, to end discrimination and the over-incarceration of my people. It is a national shame that governments across Australia, including the Victorian government, are still yet to compensate victims of the stolen generation 20 years after the *Bringing Them Home* report.

Systemic, pervasive injustice against my people is still being brushed aside, despite talk of treaty. My heart goes out to every single person affected by these reforms. Many of you have waited decades for this recognition and probably thought that this would never come. In particular my heart goes out to those who were taken into care as babies and children and effectively branded as criminals as part of that process. You have suffered the most shocking injustice, and on behalf of the Victorian Greens I offer my support and our deepest apologies for the appalling way you were treated by our government, our police and our child protection system as a whole.

As a society, as a state, we failed you, and until reparations are made, until our child protection and youth justice systems are dragged kicking and screaming into a more functional, empathetic and effective system, we will continue to fail you. I, the Greens and so many dedicated family members, frontline workers and others are determined that this will not happen. We will not draw a line in the sand today and pat ourselves on the back. We will take a moment to pause and reflect, and tomorrow we will again take up the fight. On that note, I commend this bill to the house, and I wish it a speedy passage.

Mr DIMOPOULOS (Oakleigh) (15:01) — It gives me great pleasure to speak on this bill. It is a very important bill. Supporting victims in whatever capacity we can, through statute or through investment in programs and policies, is always very important. This government cares about victims, but it cares more than just what this bill on its own describes.

This is the second bill that relates to the Victorian Law Reform Commission (VLRC) report. I will talk a bit further later in my contribution about the other investments we are making to protect victims but also to not create victims in the first place. That is something that those on the opposite side talk little about. They are happy to beat the drum about being tough on crime and protecting victims after victims have been created, but there is very little investment to ensure that victims are not created in the first place. It is very different to how this proud Labor government approaches these affairs.

This bill, as the Attorney-General said in his second-reading speech, does something pretty significant. This and the first bill put at the front and centre of the criminal justice system the role of victims. Historically victims have not had a role. They have just been interested observers, so to speak. The actual parties to a proceeding have been the prosecution and the defence. This bill — and the other bill that we debated and that passed through the Parliament earlier this year, I think — puts victims very much at the centre of criminal justice proceedings, because they have a significant and material interest beyond, in my view, many other people. It does this through a bold statement at the beginning of the bill, but it does it also in many other ways. I am really pleased and proud that the Attorney-General in his second-reading speech apologised to victims of another sort — the young kids who have had to go through their lives with care and protection orders in their files. They would come up historically as being criminal in the same fashion that criminal offences would come up in a file. That would affect them in many ways — in job applications and

just in the sense of a burden about something hidden in their past.

I remember making a similar observation when it came to the apology and the bill we debated about expunging historical criminal convictions for gay men, in terms of when homosexuality was illegal in this state. The burden that these people carry through no fault of their own would never be tolerated in our modern-day value set, particularly for these children. All they were guilty of was being the subject of authorities taking them away from their families and putting them into state care. I commend the Attorney-General for making that a really clear and obvious part of his contribution and this bill.

The bill also strengthens the protections for victims in all sorts of other ways. Some of this stuff happens in practice now, but this bill makes it a consistent requirement — for example, the Director of Public Prosecutions (DPP) providing basic information to victims about the time of a trial. Sometimes being involved in a criminal trial is very complex in terms of understanding what is happening. This bill makes sure that the DPP advises victims about the details of various hearings — dates, times and locations — and informs them of the progress of the prosecution itself, including the outcomes of various hearings that happen along the way. Research shows, and the VLRC report shows, that doing this significantly improves a victim's experience and therefore the outcome of court proceedings for a victim.

The bill goes further though. It requires the DPP to actually seek the advice of a victim prior to making certain decisions. That would have been unheard of decades ago — that the DPP would actually seek advice from a victim. It would decide tactics and legal questions without reference to a victim. The other thing the bill does is shake once and for all the old misconception that some parts of the community hold that a child's presentation to a court is inherently unreliable because children either make things up or cannot remember things as well. It basically empowers a judge to provide a direction to the jury to the contrary.

I want to talk a bit in the last few minutes of my contribution about this not being the end in itself in terms of the Andrews Labor government's commitment to looking after victims. It is far, far more profound than that, and while this bill is vital I want to demonstrate that to actually look after victims you have to do a lot more than that. For starters you have to try to reduce the number of victims. I understand that the then Attorney-General, the member for Box Hill, made the referral to the Victorian Law Reform Commission for

this report to come forward. So I commend him for that, but that is about the end of the effectiveness of that government when it comes to crime.

They oversaw a 43 per cent recidivism rate in this state. They oversaw a climb in the crime statistics that we then had to come in and deal with. They oversaw a cut in police numbers. They oversaw a cut in the kind of institutions and investments that prevent young people from coming into the criminal justice system, including education, TAFE and those other things like the education maintenance allowance. You may think there is no link between the education maintenance allowance and the criminal justice system, but there is a clear link. Research shows there is a clear link. The longer you stay in school, the less likely you are to end up in the criminal justice system.

Those opposite talk a big game about crime, but they do not make the investments where they count, and therefore they oversaw a period in Victoria where we effectively produced more criminals than previously. It took this government to take a very different approach, including increasing police numbers by over 3000 — more than any other government in Victoria's history, with 3135 more police — and when we invest in police we do so because we are investing in community safety. Police are not an end in themselves; they are a segue to community safety. But we have also invested in the toughest bail laws in the country and the toughest parole laws. Those opposite had gaping holes in the bail and parole laws of this state — gaping holes. They make a big show about the unfortunate victims of crime in everyday life, but they link them somehow to this government. We do not do the same. We do not go as lowbrow as they do and start talking about the people that died and were murdered under their watch.

It is unfortunately a key part of a modern and busy society that crime happens, but it is how you react to it that counts. So we have reacted to it by bolstering police numbers and by closing the loopholes that existed in the bail and parole infrastructure of this state, so much so that we have followed through on all the recommendations we have received from people who are experts in this field. We have also done the other things that I have talked about through investment in TAFE, including 30 new free TAFE courses, which will enable a whole bunch of young people to have viable options rather than be drawn into a bunch of criminal activity.

We have also invested in things like four-year-old kinder. There is research I have read recently which shows a link between four-year-old kinder, early years education and life chances later in life, including being

caught up in the criminal justice system, but those on the other side do not understand that. They wait until people fall off a cliff, and then they go, 'We'll pick up the pieces' — and they do not even do that well. We try to prevent people from falling off the cliff through those investments, and, of course, as the Treasurer said today in question time — 340 000 jobs. If a family has an income through the mother or the father or the parents, they have a better opportunity to have a better life and less of an opportunity to get involved in criminal activity.

So we are protecting victims not only through statute changes and changes in the criminal justice system and the adversarial nature of court cases but we are also protecting victims by ensuring there are fewer of them through investments that count — investments that only a Labor government is genuinely committed to over a long period of time. I commend the Attorney-General for the work on this bill, I commend the Victorian Law Reform Commission and I commend the bill to the house.

Mr CRISP (Mildura) (15:11) — I rise to make a contribution on the Victims and Other Legislation Amendment Bill 2018. The purpose of the bill is to implement the range of Victorian Law Reform Commission (VLRC) recommendations following its 2016 report *The Role of Victims of in the Criminal Trial Process*.

There are a number of main provisions in this. There is the Victims' Charter Act 2006, which will be amended in relation to the requirements for communications with victims, victim impact statements, complaints by victims and reviews of victims experiences in summary proceedings for criminal offences. It will also amend the Victims of Crime Commissioner Act 2015 to provide for the review of certain complaints by victims and also changes in relation to the commissioner's monitoring and reporting functions, and to widen the commissioner's review powers into the Victims' Charter Act 2006. It also amends the Sentencing Act 1991 in relation to victim impact statements, the Jury Directions Act 2015 and the Children, Youth and Families Act 2005, and various other acts.

I really do want to take this opportunity to focus on the victim reforms and in particular how this relates to the Belej family, who have been through a tragedy in their lives. This is probably best summed up by reading a summary of this case from the *Sunraysia Daily* on 25 July:

Brandon Leigh Osborn admitted to holding an unregistered .357 Magnum handgun loaded with a single bullet close to the head of Ms Belej and pulling the trigger.

Osborn was initially charged with murder, but pleaded guilty to manslaughter and was sentenced last September ...

This has left a tragedy behind for the Belej family, and the Belej family has very much been through the victims process and it has been very difficult for them. I am going to relate some of their experiences and therefore some of the things that this bill should or will do to improve what they have been through. From the second-reading speech on the victim reforms the Attorney-General said to the Parliament that the bill will, among other things:

... implement VLRC recommendations requiring judicial officers to disallow improper questioning, and clarify provisions relating to a victim's entitlement to be present in court.

This bill will give formal recognition to the role of victims in the criminal justice system.

This is something the Belej family related to me as we and many people in Mildura walked this path with them. They struggled to be recognised as victims in the system. This bill will bring about some of that change, and it is change that the family has wanted for the more than a year that this has been part of their lives. In fact it is closer to two years. The second-reading speech goes on to say:

These reforms will provide crucial support to victims of crime and are designed to improve victims' experience in the criminal justice system.

They are going to need to if the Belej family is anything to go by. The judicial system has struggled, in their case, to provide them with the support that they need. Further on the second-reading speech says, following recommendations by the VLRC:

... the bill strengthens these provisions by requiring the DPP to advise victims about the details of various hearings (such as date, time and location) and to inform victims about the progress of the prosecution (including the outcome of various hearings). This reform responds to findings made by the VLRC that the timely provision of support and accurate information can 'improve victims' experience of the court process, their perceptions of fairness and ultimately their confidence in the legal system'.

This is one of the key parts. The family did struggle with the Director of Public Prosecutions (DPP), particularly when the DPP chose to take a plea bargain in their particular case, and the information they were provided with and their opportunity to be a part of that was sadly missing at that time. So hopefully this bill will do as the minister has said in the second-reading speech and improve that, because things need to improve. Their experiences with being involved in any of the decision-making could be best described as awful.

The speech goes on to say, as I have just said:

Secondly, the bill requires the DPP to seek a victim's views before making certain decisions. This includes a decision to discontinue a prosecution, accept a plea to a lesser charge or pursue an appeal against acquittal or sentence.

Certainly that is right with the lesser charge. That was something the Belej family found when the charge was reduced from murder to manslaughter — it left them totally stunned and devastated. The impact on their lives is still there today over that decision. However, it was made and they remain in the process of the legal system as victims.

Thirdly, it requires the DPP to provide victims with reasons for particular decisions, including those decisions. They have got a lot of work to do with that. I think in particular the Belej case was a very uncomfortable period in that early part of the court process. Later it improved somewhat, and it is currently a case on appeal before the courts, which we cannot discuss for various reasons. So all I can base part of this on is the experience we have had walking with the Belej family through this process, seeing the pain they had been through, their struggle as victims and also their struggle to try and see a system changed so that nobody else is left in the same situation they have been in.

I think that is truly brave of them. It is one thing to be grieving, but to be in a system you do not fully understand and to also not be supported in that system — to have any part in that process — is indeed daunting and would have defeated lesser people than the Belej family. But they have stuck together and they have worked their way through this to attain justice for their daughter and sister, and also to make sure that others who have to walk in their footsteps will not be faced with what they have been through.

This bill, if it can do as it says, will improve that situation. I am sure the Belej family would be pleased to hear this because they do not want anybody else to go through the experience they have been through. Nor should they. Certainly these changes are needed. I note that these changes come from the VLRC recommendations and that in 2017 the coalition announced that it will implement all of those recommendations. This is only one step on the way. I dearly hope that the rest of the steps will be completed, because no family deserves to go through what the Belejs have.

Ms THOMSON (Footscray) (15:20) — It is a pleasure to rise to speak on the Victims and Other Legislation Amendment Bill 2018. The member for Oakleigh, who spoke just a little earlier, really did put

this bill in the context of a number of actions that have been taken by this government that are geared not only to be tough on the most violent of criminals, but also looking at how we as a government can prevent people becoming criminals that need to be locked up and how we can avoid that in our system. That is the role government must play.

There cannot just be the heavy hand of the law that comes down on people who commit crimes; the government also needs to be in the business of trying to prevent people from entering a life of crime. The way you do that is by providing opportunities, a sense of belonging to a community larger than yourself and your immediate family, and a sense of self-worth. This government is very keenly intending to deliver on all of that. The government is being tough when it needs to be tough. But we are also ensuring that we try to create an environment where people do not need to go into a life of crime by ensuring that we provide them with access to education, training and opportunities and, most importantly, a sense of community so that they feel like they belong to something bigger than themselves. I think that is crucially important.

With this bill we add another layer. We are adding a layer not just by enacting legislation in relation to victims of crime, but we are backing it up with real, hard dollars. We are making sure that not only are we legislating for victims to be more supported, not only are we legislating to ensure that victims are actually part of the process, understand what the processes are, are advised of what the processes are and have an opportunity to talk it through with the Director of Public Prosecutions (DPP), but we are also giving them the opportunity to seek explanations and to be involved in the discussions. I think that is crucially important, but you cannot do that if you do not support it with money.

This government has been very serious about supporting victims of crime. We put \$28.5 million into supporting victims and witnesses in the May 2017 budget, and then again in the 2018 budget we provided a further \$17 million in additional funding. This included \$7.2 million to enhance support services for victims of crime, including for the victims of the Bourke Street tragedy. There was a further \$2.9 million to extend the intermediary stream and \$6.9 million to enhance the capacity of child witness services. We are backing up our legislation with the funding to make this legislation meaningful, to ensure that not only will there be an act of Parliament to assist victims, but there is a budget to ensure that can actually happen. We are not leaving them without the services that they need in reality.

I have not been a victim of crime except in the sense of my house being robbed many, many years ago — twice within three weeks. That is my only, and hopefully my only, experience of being a victim of crime. That was quite shocking and horrific in and of itself, but I certainly have not been the victim of violent crime. I have had people who have come into my office who have been victims of violent crime, who have not been updated by the police as to what is happening with their case and have not known who to talk to in order to find out what is going on. Now this stops. Now victims will be supported. Now they will know what is happening along the way and now they will have an opportunity to seek it from police or get support from the victim's commissioner to ensure they are supported through this process. We are ensuring that we are staffing and supporting them with the right people to ensure they are supported through the process.

I think that is crucially important. The other victims who have come in through my doors have been victims of family violence, and for them it becomes even harder and even more scary because the person who is their perpetrator is absolutely known to them. It is far more important that they get supported through the system, as we are doing through our work on family violence. It is important that they are supported right through every step along the way.

It is the hardest thing that often these women, usually, ever have to combat: how they deal with a violent partner or a former partner, how they keep themselves and their children safe, how they know what is going on, how they know they will be supported if they report, because they will not report if they do not feel like there is a way out. We as a government have been working to ensure we look after victims, no matter what the crime, ensuring that we are protecting them at all times and providing them with the resources to be supported. I think that is crucially important, and this legislation goes some of the way to doing that.

A lot has been mentioned about the care and protection orders that have occurred that are past orders. It is horrific to think that children who have been put into care have a criminal history, not through their own doing but simply for being kids needing care, and that this has damaged their lives in many, many ways, far beyond what we would understand. Their level of self-esteem, their ability to get jobs, their ability to be taken seriously as valued members in our community — all these would be damaged in these young people, through no fault of their own. Of course we have heard today from many speakers about the impact that it has had on our Indigenous communities and the fact that they were overrepresented in these statistics.

These are horrific statistics, and it is horrific what has occurred to all and each of these people, including our Indigenous communities, who have suffered enough, regardless of this action, from the effect of racism and the effect that life has had on them. To then have this burden right from an early age is quite a burden indeed. It is a great credit to the Attorney-General that, on hearing and recognising this, he ensured that we had legislation in this Parliament to deal with that, and as part of his second-reading speech he apologised on behalf of the government and on behalf of the people of Victoria for this historic wrong, a very serious historic wrong.

This legislation I think exemplifies us as a Labor government; it exemplifies what we are trying to do in relation to crime. We are bringing down the crime rates, make no mistake about that, and we are bringing down the rate of serious crime, and the figures support that. We are increasing the number of police and the police presence on the streets; they are coming out of the police academy in record numbers. We are tackling what is the cause of violence, and we are looking at ensuring that everyone in Victoria has an opportunity to have a job, to have self-respect and to have a community that is supporting them and one that they can support as well.

I am proud of the raft of legislation that this government has brought to this Parliament in this term around law reform. We have been tough with the new bail laws in relation to serious violent crimes. We have been tough where we have needed to be tough, but we also understand this is not the only way that you impact crime rates and it is not the only way that you can affect that level of crime. By just being tough on crime you will not lower the rate of crime. You have to get to the cause of it and you have to deal with it. That is what this government has done. It has done so in a way that deals with hardened criminals. It is ensuring that we are supporting the victims and that they feel supported along the path of the courts hearing those cases. It is making sure that we are dealing with the total problem and not just superficially addressing it, as others might think is the appropriate way. So members opposite should remember: when you are dealing with crime, you have to deal with how you stop that, not just how you prevent it.

Mr RICHARDSON (Mordialloc) (15:29) — I rise to speak on the Victims and Other Legislation Amendment Bill 2018. It goes to the heart of some of the work we are doing as a government to support victims of crime. Just the last recent crime statistics tell a story of Victorians who each and every year to various degrees are considered victims of crime. Over

200 000 people in the last reporting season were victims of crime, and while that has reduced from the numbers in recent years we have to acknowledge that people in our community still suffer various degrees of harm as a result of the actions of others and we need to do all we can in our system of justice to support those people and ensure they get the care, consideration and support they need to get back on track.

For many people interaction with the judicial system is intimidating: not knowing the various elements, the information that might be provided and the decisions by the Director of Public Prosecutions. These types of things are addressed in this bill, and I will work through those in my contribution.

It is always good to put front and centre the impact on people experiencing crime and in turn victims of crime, particularly the impacts years in advance of serious offences across the board. We have seen more and more reporting of, say, family violence incidents. We are talking about reported victims, but we know historically there has been a disproportionate number of people who do not report those crimes, who are unknown to us, who are unknown victims. That played out quite graphically for me on the weekend when I was out chatting in my local community. Someone, as we were talking close to their home, was with their parent, fleeing a family violence situation — in the process, in their street, this ever-present scourge was in our local community — and time was of the essence. When it is confronted like that, it makes us think about the number of dependants in the community who are experiencing family violence and the fact that we just have not made inroads yet.

When we saw the *Age* newspaper just a few days ago reporting on four Victorian women having been subjected to horrific violence and having been murdered by someone close to them, we realised that we have a long way to go, and that for all Victorians is the absolute, pressing law and order issue. It is the biggest cause of death and disability for women under the age of 45, and those victims historically have not got the support and care from our system. That is ever-present in a judicial setting, where they have to face retraumatisation, where having to front up to court without that support or that expert assistance to be a conduit to assist them on that journey has exacerbated their grief and their challenges. So we have a long way to go.

There are also a couple of important elements in this bill that I want to touch on, particularly around the reforms that give power back to victims of crime as well. The 51 recommendations that stem from the

Victorian Law Reform Commission's *The Role of Victims of Crime in the Criminal Trial Process* report that was presented in Parliament in 2016 aim to bridge that gap. Some of those recommendations are wide-ranging. We have a long and arduous journey to go on in order to better support victims of crime. But one of the key elements was to give victims adequate information and support, more opportunities to participate, and protection from trauma and intimidation during a trial.

I think an important point that the Attorney-General has covered in his second-reading speech is about the criminal proceedings and that the Director of Public Prosecutions needs to provide more information to victims during criminal proceedings. It is so daunting for people who may have never interacted with the judiciary before. They might not know the grief or the retraumatisation they might be subjected to from providing evidence, hearing new evidence and engaging in that process.

But it is also about — and we hear this in the community — agreements between the defence and the prosecution, about why decisions were taken to settle a matter or agree upon on a lesser charge, or about why proceedings did not continue. And I think this is really importantly about accountability for the decisions that the DPP make and about the views of victims being sought after and respected. I think that is a really important point. It is already a very daunting and scary process, and then to not be involved in the journey or not understand why a matter was concluded or a decision was taken — I think this is the least we can do for victims, given their courage and determination to front up and try to achieve justice and be part of that journey towards justice.

Another very important aspect of this bill that stood out for me — and I go back to the report of the Royal Commission into Institutional Responses to Child Sexual Abuse — is believing and understanding the evidence of a child. Having studied law, I was blown away by the fact the common-law jurisdiction still — until that is changed at a judicial level — lists children as unreliable witnesses. It is an extraordinary thing when we think about that landmark report and the work that has been done.

This bill works towards addressing those issues. With the research being put forward, the directions that will be provided to juries will acknowledge that children may communicate in different circumstances and that all of the evidentiary play out between questioning or interrogation in evidence by the defence and the jargon that is used by both parties in a criminal trial can be

overwhelming and daunting to a child, but their recollection of facts and information and events can be and should be believed and relied upon in a court of law. So I think that is an important point that has been made about providing that direction from the judiciary to jurors about trusting and affirming the reliability of children's evidence.

A number of members have talked about child welfare issues as well and the listing of criminal records of people who have interacted with the child welfare system. A number of members, including the Attorney-General, have rightly put on the record an acknowledgement and apology on behalf of the Victorian Parliament and the government for those past practices. The least we can do is acknowledge that, and in the work that we have done with Aboriginal Victorians, who are disproportionately affected, to ensure that we apologise, that we do all we can to remedy those circumstances and support those people. While that acknowledgement in legislation and our jurisdiction only goes some way towards that remedy, we need to put on the record our apologies and the impact that has had on so many families.

This whole bill is in regard to our support for victims and putting victims at the centre of our consideration in Victoria, and it goes with our work to boost funding for a number of frontline staff and support services for victims, witnesses and vulnerable children. Of course in the recent budget there is \$7.2 million for the victims assistance program to provide enhanced support to victims, including through case management, recovery support, the victims of crime helpline and support workers. It is a long journey towards making sure that we put victims of crime at the centre of everything we do in criminal proceedings. Sadly, to various degrees — and we see this play out in our community — hundreds of thousands of people are affected and are considered victims of crime in different regards. We are working to better resource police in our community, in prevention and in educating young men and women about respecting one another and respecting our communities, knowing that disproportionately in family violence we see gendered violence issues play out — we have to acknowledge that, because until we do we are just undermining those recommendations and the extensive report of the royal commission, which made 227 recommendations in this area. We have a long way to go, but I hope that this bill and others will put victims of crime at the front and centre and work towards implementing those 51 very important recommendations.

Mr CARBINES (Ivanhoe) (15:39) — I am pleased to make a contribution on the Victims and Other

Legislation Amendment Bill 2018, in particular to cover off some of the amendments, some of the particular aspects of the bill that relate to historical child welfare care and protection application records, some of the victims reforms — the right to information and support, which several members have covered — and also of course the jury directions reform and some of the other critical aspects in relation to the bill.

This touches on some of the announcements made by the Attorney-General just last month in particular. To quote from the media release at the time, the bill, amongst many other reforms:

... will strengthen the victims charter that formally recognises the rights of victims as participants in criminal proceedings and requires that they be treated with courtesy and respect.

The charter will also now require the Director of Public Prosecutions to consult victims on key milestones in criminal proceedings — including details of hearings — and inform them of the reasons for any significant decisions.

Lastly, I also note that, as the Attorney-General said at the time:

We're acknowledging the significant personal harm caused by historical welfare recording practices and their disproportionate impact on Aboriginal children.

And:

We're implementing key recommendations made by the Victorian Law Reform Commission by giving victims more say in the justice system and better avenues to make complaints.

We all know that, whether for perpetrator or victim, confronting court and the justice system can be a very intimidating experience for people. I could also say, as many members would have, that victims of crime are people who I have certainly had meetings and discussions with in my office: people who have been confronted in their own home in the middle of the night, who have lost their confidence, who have had to find themselves taking shelter in their backyard while waiting for authorities to arrive, who have had their confidence in the sanctity of their home or in their community shattered — very deeply traumatised people who have been victims of crime. Most of us go about our daily lives as citizens not only obeying the law but contributing to our communities. Then suddenly that can get turned on its head — either directly as a victim of a criminal act that a person perpetrates or because of something that has happened to someone close to you through others not obeying the law.

What I have found particularly distressing in conversations when listening to and understanding the concerns of people about their interactions with the

justice system has been the lack of support that they have had at times when wanting to navigate their way through the justice system. I certainly know that in my past work as a member of the Law Reform Committee, with several other members in this place, we handed down reports on work that we had done and made recommendations that in many regards have since been picked up in legislation in this place — about access to justice for people with intellectual disabilities and reforms that have been required in the justice system to make sure that the justice system works for them and they are given appropriate supports.

In relation to the care and protection orders, I note in particular that while there has been lasting harm caused by historical child welfare recording practices — it cannot fully be addressed by legislation — we do need to ensure that these practices do not continue. We have taken important steps towards addressing those serious injustices in some of the work that is also outlined in the bill. The recording of these practices has had ongoing, lifelong consequences for many children of course, with a disproportionate impact on Aboriginal people. There are a range of changes listed in the bill in relation to those placed in state care who had care and protection orders recorded on their criminal record. The Attorney-General of course asked the Department of Justice and Regulation to look at those recording practices and how they could be addressed as a priority.

There are also some victim reforms and jury directions in the bill. The bill seeks to enhance the role and protection of victims in criminal proceedings and strengthen the way victims' complaints are managed. Part of that, as I touched on, is in relation to the victims charter, but it also includes \$28.5 million for a victims package in last year's state budget and an additional \$17 million for victim support in this year's budget.

In relation to the jury directions regarding evidence of children, the bill does introduce a new evidentiary jury direction into the Jury Directions Act 2015 to address misconceptions about the reliability and credibility of evidence given by child witnesses. Those directions in particular will allow judges to inform jurors that children can accurately remember and report past events while explaining how their cognitive, language and memory skills may affect their ability to give accurate and reliable evidence. Those changes of course are based on advice from experts in the area of children's evidence, and I commend those aspects of the bill to members.

I also want to reflect on comments that were made in the second-reading speech by the Attorney-General and in particular how they relate to the rights to information

and support. As we know, and as I touched on earlier, criminal proceedings can be extremely daunting for victims, who have other stressors and challenges to deal with. It is essential of course that victims are well supported and informed throughout the court process as much as possible. There are new obligations — three in particular — on the Director of Public Prosecutions (DPP) to support victims through the court process. The first requirement relates to providing victims information about court proceedings. The bill also includes of course a requirement that the DPP seek the victim's views before making certain decisions, including the decision to discontinue prosecution, accept a plea to a lesser charge or pursue an appeal against acquittal or sentence. In particular those matters are about addressing the fact that victims are a stakeholder in these processes — a very significant stakeholder — and they need to be at the heart of the way in which these issues are managed. Thirdly, the bill also requires that the DPP provide victims with reasons for particular decisions, including, as I touched on, decisions not to continue a prosecution or to accept a plea of guilty to a lesser charge.

My experience in this place and with stakeholders in my community — including some of the work we have done in the past on the Law Reform Committee, particularly for people with intellectual or other disabilities and their interactions with the justice system and the work that we have done in relation to victims, understanding and empathising with not only the challenges that they face getting on with the rest of their lives but also the criminal act of which they have been a victim — has shown that it is then often years of engagement in the criminal proceeding in which they are a stakeholder and a party where that trauma in particular continues. That is a reminder of what they need to deal with. It is very important that we have understanding and empathy and that we make sure the justice system responds to those challenges and those traumas and seeks to ensure that we do not compound the damage that victims have suffered in their interactions with the justice system in their desire to seek justice for the trauma and the loss that they have suffered as victims of crime. Much has been done, I think, to address those matters.

This bill goes a long way to continuing to strengthen the rights of victims and to place obligations on those in the justice system to not only empathise with and show greater respect for victims but also provide greater support to and accountability for victims. Much has changed over very many years in the way in which the justice system is expected both by legislators and by the community to show respect, understanding and empathy to victims of crime. Yes, there are strict

processes that need to be followed in the way in which these matters are dealt with by the judiciary, but it is also important that judicial officers and the organisations for which they work provide whatever supports are possible to make sure that justice is done not only in our courts but also for victims in the way in which our society and our organisations within government provide support to victims and their families. While many support groups have worked hard and lobbied hard for many of the changes and amendments to the bill that we see today, what is incumbent on us all is to make sure that victims are at the heart of much of the work that we do when we are looking at legislation and amendments in relation to victims. We need to make sure that we continue to provide them with every support to face the challenges and seek the justice that they deserve.

Debate adjourned on motion of Mr DONNELLAN (Minister for Roads and Road Safety).

Debate adjourned until later this day.

PREVENTION OF FAMILY VIOLENCE BILL 2018

Second reading

Debate resumed from 20 June; motion of Ms HUTCHINS (Minister for the Prevention of Family Violence).

Ms VICTORIA (Bayswater) (15:50) — Today I rise to speak on the Prevention of Family Violence Bill 2018. This is not a new debate to this house; we have talked about family violence for years. I have been in this chamber for nearly 12 years, and we have certainly had discussions on this under successive governments by hundreds of members of Parliament over that time, I am sure, in both houses.

The problem is getting worse. Whether the perception is that it is getting worse because reporting is more likely to happen, whether it is that society is becoming more out of control or whether it is the influence of harder drugs — for example, ice, which we know is a far more unpredictable drug than some of the ones that we have had to deal with in the past — there are obviously a number of reasons why family violence seems to be far more prevalent in our society. Anything that we can do to change — I will not say the statistics — the lives of those who suffer at the hands of perpetrators is a good thing, and it is incumbent upon us as members of Parliament to make sure that we head in the right direction from a legislative point of view. Obviously then it is up to the police to do their bit, and

it is up to agencies to help us prevent this blight on society. It is also then up to the judiciary to make sure the perpetrators are not only dealt with but dealt with in the most suitable and harshest possible way.

To be a victim or a survivor — and there is a difference — of family violence is not a happy experience, and anything that we can do to prevent that before it even starts is really important. The Liberal-Nationals want to help in any way they can in ending family violence here in this country, so there is bipartisan support for all the bills that have ever come before the house. This will be no different.

Family violence was again in our media this past weekend. Unfortunately we have seen the loss of 39 women in Australia already this year due to family violence or domestic violence. All of these women's lives were cut short unnecessarily. They all had loved ones, friends, colleagues and wider communities, and they are grieving for them and finding that their passing is beyond tragic. In so many cases of course it was preventable.

In just these past few weeks four cases have continued to dominate the headlines and they are a very sad reminder of this really tragic social issue that continues to haunt all of us no matter what our job or our position in society. Joy Rowley was aged 60, Samantha Fraser was 38, Karen Ristevski was 47 and Snezana Stojanovska was just 26 — and three months pregnant. All these women were mothers. Children are now left without a parent — or parents in some of these cases. These women, along with many others, are not just numbers or statistics. They are loved ones to so many. We need to ensure that we do all we can to help prevent these tragic circumstances from occurring again and again and again. Enough is absolutely enough.

The current statistics on family violence are bleak to say the least. More than 76 500 family violence incidents were reported to Victoria Police in 2016–17 — that is just in Victoria. One in four Australian women experience intimate partner violence — that is 2.2 million Australian women. One woman is killed in Australia by an intimate partner or ex-partner almost every week. Unfortunately children are present in one out of every three family violence cases reported to police, and we have got to think about not only what is happening to the woman. I say this advisedly. I am talking about women because of the changes that are coming out of the royal commission and the ones that have been dealt with in this legislation, but we know that it is not just women who are the victims and survivors of family violence. I

acknowledge the men who go through this tragic circumstance as well.

Aboriginal women are 35 times more likely to be hospitalised by a family violence incident than any other women. Violence against women costs the Australian economy. In dollar terms, if we look at it that way, in 2009 it cost us \$13.6 billion. In 2015 that had nearly doubled to \$21.7 billion.

We have done a lot in this Parliament, from a legislative point of view, since the Royal Commission into Family Violence. Those findings were handed down in 2016, and the recommendations, I am glad to say, have been largely followed through on. This bill fulfils recommendation 188 of the Royal Commission into Family Violence by creating an agency that will be the first pillar of the government's primary prevention strategy. This agency is going to be called Respect Victoria. Its primary functions will be to oversee, fund and promote family violence programs run by organisations. They will provide policy advice to the minister in relation to family violence prevention, and they will conduct a review of trends and outcomes in relation to family violence prevention every three years.

We have done a lot of consultation on this particular bill. We have talked with the experts — those we trust to give us the best possible advice to give us guidance — and they have picked up on some things that they would like us to bring up. I want to thank the people involved who have been in contact — especially with Georgie Crozier in the other place — on this: the Domestic Violence Resource Centre of Victoria, Women's Health East, Women's Health in the South-East, White Ribbon Australia, the Victorian Women's Trust, La Trobe University, VicHealth, the Alannah and Madeline Foundation, the Municipal Association of Victoria and the City of Casey, amongst others.

If we look at the main provisions of the bill, clause 3 provides a new definition of 'violence against women' as meaning:

... any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Clause 5 of course establishes the agency of which I have just spoken, Respect Victoria. Clause 6 is to do with the functions and the powers of the agency. Clause 6(1) sets out the functions of the agency as:

- (a) to provide advice to the Minister on the funding of programs and the programs carried out in accordance with this Act; and

- (b) to develop a framework for the monitoring of trends in family violence and violence against women and the outcomes of programs; and
- (c) to make grants, on the approval of the Minister, to organisations to fund the carrying out of programs that promote the guiding principles; and
- (d) to assess and endorse programs carried out by organisations to promote the guiding principles; and
- (e) to provide advice to organisations and government, to ensure the prevention of family violence and violence against women is implemented across the government and the community; and
- (f) to promote the development of programs by organisations by providing advice, information and support to organisations regarding the prevention of family violence and violence against women; and
- (g) to monitor programs carried out by organisations, to ensure programs are promoting and implementing the guiding principles; and
- (h) to undertake research and disseminate that research in relation to—
 - (i) the suitability of particular programs; and
 - (ii) the giving of advice to the government on the funding of programs; and
 - (iii) the providing of guidance to organisations; and
- (i) to provide advice to the Minister to assist in the development of policy and decision-making, in relation to the prevention of family violence and violence against women; and
- (j) to promote awareness in the community of programs, activities and campaigns that achieve the guiding principles; and
- (k) to report to the Minister on the progress of the prevention of family violence and violence against women; and
- (l) any other prescribed function consistent with the guiding principles.

Clause 15 provides for reviews of the agency. The agency needs to conduct a review every three years and provide it to the minister, who will then in turn present it to us here in the Parliament. The first review needs to be conducted in the fourth year of the operation of the act, and that is something that we would expect to happen. Obviously it will take time to implement and then we will have the first three years of such an agency actually functioning.

Clauses 16 to 25 are to do with the establishment of the board of the agency and their appointment of a CEO. One of the other things that it does is stipulate that the board may, on the request of the minister, prepare a

report for the financial performance of the agency during a financial year. The word ‘may’ in there is probably something that has been brought up with us more than anything else. The agencies that we spoke to, the providers that we spoke to, have asked why it is that it appears that this is not allowing for the greatest amount possible of transparency or accountability. I think it is really important to ensure that all programs are tested for their efficacy to make sure that whether it be through an annual financial report or some other way, some other key performance indicators (KPIs), they can actually demonstrate that the funding that has been given to them for the programs that they have come up with and that they are delivering are in fact suitable for what is going on in the community at the time and that they are providing tangible outcomes.

Obviously when you are dealing with the public’s money you need to make sure that everything is acquitted and acquitted well against KPIs. Sometimes it is very hard to say that in a situation like family violence or domestic violence, but we do have to remember that there are plenty of people who are providing good services, and if somebody is providing services that are not quite meeting the mark, then we need to move them over and make sure that other services are being provided. It is only through full, transparent reporting that that can actually happen.

One of the other things that was brought up was a new definition of ‘violence against women’. ‘Violence against women’ is already covered within the definition of ‘family violence’ in the Family Violence Protection Act 2008.

The bill also allows for a lot of regulations to be made at a point later in time that prescribe other functions of the agency. We would like some more clarity around that.

It is also unclear why both the minister and the secretary need to be able to issue guidelines about the agency’s functions. As I said, I think the reporting on finances is extremely important. I believe what is being proposed is a highly abnormal practice and I hope that is something that could be looked at.

Family Safety Victoria (FSV) was established as an independent administrative office within the Department of Health and Human Services to drive key elements of the state’s family violence strategy. Part of FSV’s mandate is also around policy coordination and prevention strategies. Respect Victoria will be enshrined in legislation to provide policy advice to the Parliament and of course to the government of the day.

As I said earlier, we are not going to oppose this bill as it fulfils recommendation 188 of the Royal Commission into Family Violence. The Liberal-Nationals have indicated bipartisan support to end family violence in this state. Of course this is something that we hope is worldwide, but we can only start with our bit. The Liberal-Nationals have already announced policies that deal with law and order aspects, including perpetrator accountability, tougher sentencing and a family violence disclosure scheme, Right to Ask, Right to Know. I commend the bill to the house, and I wish it a speedy passage to the other house, where it can be debated clause by clause and further fleshed out.

Ms EDWARDS (Bendigo West) (16:06) — It is my great pleasure to rise to make a contribution on this momentous bill before the house today, a culture-changing piece of legislation that this state has been working towards for a very long time, the Prevention of Family Violence Bill 2018. At the outset can I acknowledge the tremendous work that was done by my friend and our colleague, the late Fiona Richardson, who worked tirelessly in this space. Her work as the Minister for the Prevention of Family Violence, her dedication to the cause and her belief that the establishment of this agency was a primary need when it came to the recommendations of the Royal Commission into Family Violence was something that was absolutely paramount in driving the whole prevention strategy across the state when it came to family violence. Can I also acknowledge the work of the current minister, who is doing an outstanding job in continuing the work that Fiona Richardson started.

Respect Victoria is, as I said, a significant piece of this legislation. This is something that will ensure a statewide focus on primary prevention over the long term. Its intention, as mentioned by the member for Bayswater, is to deliver recommendation 188 of the Royal Commission into Family Violence.

There is a lot of packaging around this bill, and I will get to that in a moment. But what I want to quickly refer to, as the member for Bayswater also did, is the confronting news in our newspapers just last week, when we were confronted by the images of another four dead women. I was reading through the article in the *Age* in relation to this. It referred to:

... another slew of grim stories about women who have been killed.

It referred to the fact that:

... these women probably died terrifying deaths.

It referred to the fact that:

... we know that in the three cases where charges have been laid, the accused men had been their husbands or partners.

It referred to the fact that:

... 39 women have died violently in Australia so far this year ...

That is according to Destroy the Joint's Counting Dead Women project. It referred to the fact that:

... somehow we are so inured to this staggering tally that we need some grisly extra quantum to react. Four women dead, not just one. A god-awful day in court and Coroners Court, where even seasoned reporters shake their heads. How do we make sense of this? And, more importantly, how the hell do we make it stop?

It also referred to the fact that:

We need to talk — again —

and we have to continually raise this matter —

about gender. There are distinct gendered patterns in the perpetration and impact of family violence. The overwhelming majority of violent incidents and femicides are perpetrated by men against women.

In fact the perpetrators of violence against both women and men are mostly men.

Women are ... three times more likely than men to experience violence from an intimate partner.

We all know these statistics; we have heard them over and over.

And if you are an Indigenous woman, or have a disability, these figures are far worse.

The only answer is gender equality and respectful and non-violent relationships that will benefit the whole community, including men and boys.

I am pleased that there is true bipartisan support for our measures when it comes to implementing the recommendations of the Royal Commission into Family Violence, and I would encourage those opposite and the Leader of the Opposition on behalf of both the parties in the coalition to commit to implementing all of the recommendations from the family violence royal commission.

This legislation, as I said, came on the second anniversary of the royal commission back in March 2018. That is when we announced that we would establish Respect Victoria as a statutory authority enshrined in legislation. In our budget this year we have provided ongoing operational resourcing for Respect Victoria, and this commitment has of course been added to through a range of programs to prevent violence in different parts of the community. This

statutory authority aligns with the Victorian state government's — the Andrews Labor government's — long-term prevention strategy *Free from Violence*. This is based on the evidence and factors that show what is needed to drive long-term cultural change from Victorian and national expertise in behavioural and cultural change including road safety, smoking cessation and preventative health. These are all things we know work. Establishing Respect Victoria in legislation will deliver on key strategic priorities in *Free from Violence* to ensure that we work towards a Victoria where all Victorians experience equality and respect in all of their relationships; that all Victorians are empowered and respected at home and everywhere; and that all Victorians are supported in their relationships to reach their full potential. The Prevention of Family Violence Bill 2018 provides for this. It is principles-based and sufficient to guide the activity and functions of Respect Victoria.

The bill will establish the new family violence prevention agency Respect Victoria and authorise its functions and guiding principles. It will set out the roles, functions and powers of the prevention agency as well as the chair, board members and the CEO. It will require that the agency reports on trends and outcomes of the prevention of family violence and all forms of violence against women every three years to the minister for tabling in Parliament, and the agency will be required to provide an annual financial report. The report will include guiding principles relating to the prevention of family violence and violence against women to support Respect Victoria in undertaking its key functions. What are its key functions? That all persons should live in a safe and equal society free from violence; that gender inequality within society is connected to the existence of discrimination, family violence and violence against women, and that the prevention of these forms of violence contributes to a more equal society; that equality and respect should be promoted across the community, including wherever people live, work, study, learn, engage and play; that the contribution and participation of all persons in a social, cultural, economic and political life of society should be promoted; and, finally, that gender equality and respectful relationships should be promoted.

This truly is landmark legislation, and I cannot highlight enough what a difference this particular agency will make to the work that we already know is being done by many agencies across Victoria. Certainly in my electorate of Bendigo West we have a number of agencies, including the Annie North centre and the Centre Against Sexual Assault, which are doing outstanding jobs when it comes to family violence. We know how hard it is for them. We know that additional

funding has assisted them in some ways to do more in supporting women and children fleeing family violence, but it is about prevention. It goes right to the core of why we are facing headlines like we saw last week, where four more women were killed by intimate partners or by people who are known to them.

While I hear lots and lots of reports about gang violence on our streets, the reality is that a woman is more afraid these days of being at home and having violence perpetrated against her than she ever will be walking down the street. That is a fact. We all know it. We all know that we need to prevent family violence. The research has been done, and now that this agency is established, we can enable our long-term vision for a Victoria totally free from violence, where we will not have to look at the newspaper again and see that more women have been killed by people they know. It has got to stop. When I read some of the commentary underneath that article I thought, 'We have such a long way to go'. Some of the men commenting were disgraceful. We really need to change, and I support the bill.

Mr CRISP (Mildura) (16:16) — I rise to make a contribution on the Children, Youth and Families Amendment (Youth Offender Compliance) Bill 2018. The purpose of the bill is to seek to amend the Children, Youth and Families Act 2005 to establish a trial of electronic monitoring as a condition on parole orders for certain young people on parole for serious offences. That is step one, and that is important to get the message across in this troubled world that we live in. The bill also establishes a trial of an alcohol and other drug testing regime for young parolees, because too often in courts we hear barristers and solicitors mitigating on behalf of people because they were under the influence of either alcohol or other drugs. Certainly we need to establish that regime to make sure that they are not falling back into old ways.

Mr Noonan — On a point of order, Acting Speaker, I am sorry to interrupt the member, but I am just not sure that the member is speaking on the right bill before the house.

Mr CRISP — The member is quite correct. I am happy to get my notes.

Mr Noonan — I am happy to be of assistance in this case.

Mr CRISP — Thank you.

The ACTING SPEAKER (Ms Couzens) — The member for Mildura to continue on the correct bill.

Mr CRISP — Thank you. That is going to cost me something later, I am sure, from my colleagues. Thank you very much for that.

In a way we were building those links around the Prevention of Family Violence Bill 2018. The bill establishes a body, called a family violence prevention agency, which we know as Respect Victoria. The agency's primary functions will be to oversee and promote family violence programs run by organisations, to provide advice for the minister in relation to family violence prevention and to conduct a review of trends and outcomes in relation to family violence every three years.

We have heard a lot talked about family violence. In relation to this particular bill there is certainly a case of family violence that I do want to talk about — a case that I have mentioned already in a victims of crime bill today too, because it is very much relevant to my community at the moment. I refer to the case of Karen Belej. She was the victim of a crime where she was shot by her partner — not only was that a crime but also an act of family violence. That was something that has compounded, I think, the difficulties that this family has faced. To have it treated as an act of family violence as well as a crime was something that they have very strongly participated in. They have been at the centre of many White Ribbon events in my electorate as they too carry the grief of the loss of Karen in their lives. The rest of the community has carried and shared that loss with them.

Family violence is something that has touched people, particularly in the Belej case. What it has really pointed out to so many of us is how we get the message across to individuals who will not get the message. That is very much where the previous speaker was as well — that is, this has to stop. We need to get the message across. Although prevention is certainly what we are aiming for, we do need a stick-and-carrot approach to this as well. We need to make it very clear about what is acceptable behaviour. Certainly in the Belej case, pointing a gun at someone's head is not acceptable behaviour — it contravenes all the rules of decency — but it has happened, and we have to deal with it and learn from it.

The bill provides for a new definition of 'violence against women' and establishes a family violence prevention agency. I think this will be widely applauded, particularly by our police force, who seem to have to clean up the mess after so much of this family violence. The bill will have a tough job to do, because as we look at the violence that continues, people are not getting the message, so we also need to

strengthen the stick to make sure that people realise this is not acceptable behaviour.

The bill provides for reviews of the agency as they try to make things go better and be better, and provides for the establishment of the board of the agency, the appointment of a CEO and the reporting of the financial performance of the agency. It is a necessary initiative. Prevention is better than cure, but we should not by any means back off on some of the cure that we have to do.

Family violence is also becoming a burden our community cannot bear. The cost of it to our communities is enormous, and it is just unacceptable going forward. We cannot afford for this to continue, so this agency will have to have an impact — and an impact quickly — in order to deliver the results that the communities are demanding and needing.

So often we look at how police are spending their time. In Mildura I know we have agencies which deal with family violence — there are numerous involved. Already one of those agencies has bought a prominent piece of Mildura real estate in order to establish a very large office to deal with the family violence issue.

There is also some very good work being done in my community by the Mallee District Aboriginal Services (MDAS). Unfortunately family violence in Aboriginal communities is disproportionate and requires some very special activity. When the family violence prevention agency is established, it will need to work, particularly in my community, very closely with MDAS in order to penetrate an area which does need some work. I know MDAS is very busy in that area, but the stats are the stats — family violence is worse amongst the Aboriginal community. I urge this agency to work very closely with a very successful and hardworking Aboriginal health organisation to be able to get on top and prevent this violence. They do have a number of excellent advertisements that were homemade by MDAS to penetrate the Aboriginal family groups and to endeavour to change the activity of Aboriginal men. It has had an effect, which is good. The work that has been done by MDAS, which has involved the community and used local community people as the actors in those ads, is a brilliant piece of work. It has made a difference, but it has so much further to go.

With MDAS and the other agencies that are involved, family violence is becoming probably one of the major law and order issues within my community. In the consultation, feedback was sought from a number of family violence groups and stakeholders, and there were responses from quite a number of agencies throughout the sector.

The bill also introduces a new definition of ‘violence against women’. Violence against women is already covered in the Family Violence Protection Act 2008, so we have got to be careful here in our endeavours to send a strong message that we do not confuse things or complicate things so as to give people a way out.

In essence, the bill fulfils recommendation 188 of the Royal Commission into Family Violence, and the Liberal-Nationals have indicated bipartisan support to end the scourge of family violence. Policies that deal with law and order aspects, including perpetrator accountability, tougher sentencing and the family violence disclosure scheme — the Right to Ask, Right to Know — have been announced. A not-oppose position is what the Liberals and Nationals are taking with this, but we do have only a few concerns, particularly around a little bit of confusion around the violence. Having said that, this is a scourge that needs to end in our community, and I think this bill is a step in the right direction.

Ms GRALEY (Narre Warren South) (16:25) — It is a pleasure to speak on the Prevention of Family Violence Bill 2018 this afternoon. It is a landmark bill. It establishes Respect Victoria, which will be the first agency of its kind in Australia, if not the world. Respect Victoria will inform government, industry and the community on what really works to prevent — and I cannot stress enough, prevent — family violence.

If you go back and look at the report of the Royal Commission into Family Violence, which I have had cause to do numerous times, I note that this is recommendation 188 from the commission. It recommended the establishment of Respect Victoria. I do not think you can go much further than trying to support every recommendation. It would be nice to hear the opposition supporting every recommendation of the Royal Commission into Family Violence, and not just giving it lukewarm attention in this chamber, I must admit. They need to come out and fully support this bill, get behind it and support all the recommendations from the Royal Commission into Family Violence. The royal commission report actually said:

There is a plethora of programs, some positive innovation, and strong sector momentum to continue the work in prevention.

...

Implementing the family violence prevention plan will require a process to oversee and coordinate prevention activities within and across government, local government, community agencies and the broader community.

That is what this bill brings to the house: the establishment of Respect Victoria, with a dedicated base funding of \$3 million per annum for its operations. In the last budget the Labor government provided \$12 million for Respect Victoria, and we will continue to support the agency with dedicated and sustained funding.

I have not spoken in this house before about the very sad loss to this Parliament of Fiona Richardson, the former Minister for the Prevention of Family Violence, because at the time of her death I really struggled to deal with her shock passing. We had tried to support each other at times when we faced our own health crises. Sometimes it was fulfilling and sometimes it was frustrating, but we had some valuable chats over many cups of tea. They will always remain private. Vulnerability really does breed an increasing need for privacy, and so our secrets are just ours — personal, private and precious.

One recurring memory I have of my discussions with Fiona was her passion for a particular part of the government’s family violence agenda. She was red-hot on the issue of prevention, and she was fully committed to the establishment of an independent prevention agency that would be there for now and for a very long time in the future, because the demands of the agenda of family violence and the constant threats to women in their homes show no sign of abating quickly or going away. She wanted it to last beyond the political cycles and to be beyond political pointscoring.

As Fiona said at her last appearance before the Public Accounts and Estimates Committee:

...when you move to primary prevention, you will see armies — loads of work that has been done to what we know works — but it does not necessarily get funded. We are seeking to turn that approach completely on its head, and we are doing that specifically because the royal commission recommended that we put in place sustained and enduring funding. We are doing it because we recognise that unless we actually have that sustained and enduring funding, it will not survive, potentially, future governments. It will not necessarily survive future budget cycles.

This bill establishing Respect Victoria was not just Fiona’s wish but also the wish of many hardworking people out in the local community and of course the current government under the leadership of the Premier and the current Minister for Women. The bill is the result of the great legacy left by Fiona and the great effort from this government, but beyond that it is actually about guaranteeing an insurance policy for every woman, every child and every family so that in Victoria, whatever the colour of the government, there will be an independent long-term agency that exists to

ensure effective prevention efforts. As I said, it will be funded, it will be resourced, it will do research and it will do evaluation. It will be ongoing and enduring work. It will be best practice, and hopefully it will be world-leading best practice. These are gigantic steps in the struggle to prevent family violence.

The media in recent weeks has been full of the most terrible stories about women dying in their homes at the hands of men — their husbands. Sometimes in this space of family violence it feels like we take one step forward and two steps back. Thirty-nine women have died this year. That is nearly one every week.

A particular part of the family violence agenda that I have been very much concerned to deal with is the culturally specific response to the issue of family violence. I have raised this in this house a number of times and with respective ministers. I put on the record the very, very sad and tragic passing of Ziba Haji Zada, who died in a fire in Cranbourne in the last month. She had come to Australia as a child bride, convinced that she would lead a safe and happy life here in Australia. Whilst it would be very inappropriate for me to talk about the circumstances surrounding her death, we know that in our local area Ziba is not the only girl to find herself entrapped in a forced marriage and facing family violence every day of her life.

The royal commission had a look at this issue, but I really hope that Respect Victoria will give a significant amount of their attention to and put their funding into understanding how we can have a better relationship with ethnic communities, with the leaders in those communities and with women in the communities, particularly young women. I get reports that girls are leaving school and not going back. This has to stop. This is not about religion. In many respects it is not about culture. It is about family violence. This young girl, Ziba, deserved to have a good life with her daughter in this country. Instead she was severely burnt in her home in Cranbourne, and we still do not know exactly what happened. There is much work to be done by Respect Victoria.

To finish I would just like to say that not so long ago I lit a candle cradled in a small basket made by a beautiful young girl. With it I sent Fiona along a sacred river. I thought she would really, really like that. She loved a bit of mysticism, a bit of spiritualism, a bit of the alternative. But I know that today would be one of the moments that she would really hate missing out on, because she was always a political hardhead, and I know she would really love this bill today. The establishment of Respect Victoria provides a beacon of hope for all women and all families in Victoria. It was

part of her vision to create an intergenerational response to family violence so that we would see the plummeting of family violence statistics as a result of preventing family violence in every home in Victoria.

I know this is a relentless fight that this government is right behind, and as I said earlier, I really support the efforts of the Premier, the government and of course the current Minister for the Prevention of Family Violence. It is a landmark bill, and I hope it will change people's lives much for the better. I heartily commend the bill to the house.

Mr PAYNTER (Bass) (16:35) — Acting Speaker, thank you for the opportunity to speak on the Prevention of Family Violence Bill 2018, although it is with some sadness that I do so. I would have preferred to see the bill being entitled the Prevention of Men's Violence against Women Bill, because that is predominantly at the core of the problem we have here primarily in Victoria.

It comes on the back of the recent death of Sam Fraser on Phillip Island, which has the Phillip Island community in mourning. Sam was subjected to intense violent assaults by an ex-husband who had been charged with nine counts of violent actions against Sam over a period of time. Not once was he jailed for any of those violent acts. She lived in fear of her ex-husband and was under the constant watch of those around her, including her work colleagues, knowing that there was probably a point in time when her ex-husband would catch up with her. It appears to have happened a couple of weeks ago, much to the anguish of the Phillip Island community, who have rallied behind the Fraser family at a very, very sad time.

It is 2018, and here we are talking about men's violence against women and the need to start an agency named Respect Victoria, which I support. It saddens me that in these days we still need to talk about basic respect for everybody in the community, but particularly women, and we still need to talk about men's need for control, their sense of self-entitlement when it comes to women and their tendency to take out their frustrations on women, particularly those that it appears they know, with violent actions.

It is happening way too often, and unfortunately it appears to be continuing to happen on a regular basis when women are merely going about their business, going about their daily activities, which we all have a right to do. It has happened far too often, particularly in the last few years. In the case of Jill Meagher, she was walking home early one morning. Her crime was to have a few drinks and walk the streets of Brunswick.

Masa Vukotic was walking through a park in broad daylight. Her crime was to wear headphones. Eurydice Dixon was walking through a park, again early one morning in darkness. Sam Fraser was going about her daily business. She had dropped the kids off at school. My dear friend Kylie Blackwood's crime was to leave the garage door open when she came home one morning with the family groceries.

The point I am making is that these actions that are performed by women are not out of the ordinary. They are day-to-day activities, which we all are free to do. I am a father in a society where I have to warn my daughters, for example, to be careful where they park at railway stations, to be careful catching taxis and always get the number and the photo of the driver, and to be careful when out at night that they do not get their drinks spiked. We advise our youngest daughter not to go for a morning jog. It is too dangerous at 6.00 a.m. or 6.30 a.m. She can only go for a jog in daylight hours.

I speak to my friends and I ask them, the ones that have sons, if they have the same conversations that I have with my daughters or if they offer the same precautions to their sons as I do to my daughters. And the answer of course is no. Their sons are quite free to park wherever they choose. They can go for a jog whenever they want. It is not such a problem in nightclubs and not such a problem at parties. Why is it that we have a society, a community, that differentiates between boys and girls or men and women? So any change that heads in the right direction and will somehow prevent or address the issue of men's violence against women is good.

I am actually tired of hearing it being referred to as family violence or domestic violence. I think it actually covers up the real issue here. I do not use those terms, only because I like to think of families as being loving, nurturing environments, and 'domestic' is a word that is a bit too broad for me. It somehow does not quite hit to the heart of the problem. I prefer to refer to it as men's violence against women because predominantly it is men that exert their control over women in a violent, physical way.

That is the thing that I as a man like to address with other men, particularly in groups where I have the opportunity to speak to men directly. I ask them to show some leadership in their communities — to show leadership wherever they find themselves and to look for situations. It might be in their workplaces. It might be when they are having a beer down at the pub. It might be when they are coaching a junior football side. Often you will have men coaching junior football sides, and it is a great opportunity for them to speak to their players about respectful relationships. I think that is the

right term. It is about respectful relationships. It is not one gender or the other; it is really just treating each other with respect, dignity and kindness.

That is the basic premise of where I would like to address the issue — and from a very young age. I encourage programs in our primary schools. I encourage programs in our secondary schools. I encourage programs that teach respectful relationships in our sporting groups and our community groups — anywhere, really, where we have young people who are forming their views on gender. I want to explain to them early that it is about respectful relationships and equality, because if we get to people at a younger age we have a better opportunity to bring them up as responsible adults. It is what we all need to do. We cannot be bystanders. We must take action and call out inappropriate language and behaviours and attitudes at the instant they occur and show some leadership on this issue.

The creation of Respect Victoria is to be supported. I see it is recommendation 188 of the royal commission. We are heading in the right direction, but these sorts of agencies will only be good if they make change on the ground, and the proof will be in the pudding. So I will be watching closely as to their actions, but I am encouraged by the formation of that body. There are some concerns over the bill, but I think largely the act of setting up the Respect Victoria agency is to be encouraged. I look forward to looking at its results. One of its aims is to oversee, fund and promote family violence programs run by organisations. I am looking forward to seeing exactly what programs are funded and their outcomes. It will provide advice to the minister regarding family violence. That must be a good thing, and if it reviews trends and outcomes in relation to family violence every three years, then that is also to be encouraged.

Mr DIMOPOULOS (Oakleigh) (16:45) — It gives me great pleasure and pride to speak on the Prevention of Family Violence Bill 2018. This is just a little observation, but it is rare that we speak on a bill here in Parliament that does not have the word 'amendment' in parentheses, and that is because this is a new bill. It is the first time. I am sure it will be amended in future, but this is quite simply the Prevention of Family Violence Bill.

I am proud because — as I think I mentioned in a previous contribution on the Victims and Other Legislation Amendment Bill 2018 — governments generally are often focused on treating people once they have fallen off the cliff, so to speak, but this is clearly focused on the prevention element, as the royal

commission asked us to do in a number of its reports. That prevention element starts very, very early and takes generations to really yield strong results.

I think strong institutions matter. I think strong institutions are vital for democracy. Strong institutions are vital for changing society and changing behaviour. We have had a fair bit of experience in relation to these. Purely from the very architectonic basis of our entire Westminster system, with the separation of powers, the judiciary, the Parliament and the police, these are institutions that ought to be respected. We have state institutions like WorkCover, which have changed behaviour both through education and through punitive and other measures. It has changed behaviour amongst employers and employees. We have the Transport Accident Commission, which has absolutely changed behaviour in terms of drivers, whether it be drink-driving or whether it be seatbelts.

We have the Environment Protection Authority Victoria (EPA). We just voted on the EPA bill the other week in Parliament. We have set up Infrastructure Victoria for independent advice on the infrastructure needs on a long-term basis in Victoria. Again, as a previous speaker said in reference to this bill, it is designed to take it out of politics, but that is also what Infrastructure Victoria does in the infrastructure space. Federally we have other institutions like the Reserve Bank of Australia and the Fair Work Commission.

Institutions are really important, and it shows a sense of the importance a government and a Parliament places on an area of policy when it takes it out of the realm of partisanship and political footballs and puts it in an independent bracket. This is what we are doing here today for the first time. We are setting up an independent, statutory authority. It is actually named in the Public Administration Act 2004 as a separate, independent statutory authority with its own board, and that will hopefully outlive us all. I hope this government has many terms but I hope Respect Victoria outlives all of us in this chamber, because that is exactly the intention. First and foremost, I am proud that we are not just debating and seeing through the passage of legislation of a bill that fixes a problem that has already occurred but a bill that actually tries to prevent a problem. It does that through providing that independence and that strength for this independent statutory authority.

With just a couple of quick comments on elements of the bill, I really am encouraged by the fact that it will provide policy and technical advice to governments today and in the future and coordinate research. We have a lot of interested people and organisations doing

good work with a bit less coherence and coordination than is desired. It will commission research and evaluation and inform policy responses across the board. I am encouraged by the fact that it is independent. Of course there is always a reference back to the minister and the Parliament, as there should be, and in a statutory sense it has to provide reports to the Parliament.

I also want to make a couple of quick comments on the chair. I think Melanie Eagle is a fantastic choice of chair. She obviously has a proven track record. I do not know the CEO, but I have heard excellent things about her, so I commend her and the work that she will do, and I commend all the board members, but I want to make special mention of Andi Diamond, who is someone I know well. Andi has a range of experience across local government, including through her current role as CEO of the City of Monash. I met her when I was on the council. She recently served as president of the Metropolitan Fire Brigade and has served on the boards of Regional Development Australia, BreastScreen Victoria, St John Ambulance Victoria, the Queen Elizabeth Centre and the Monash Gallery of Art. I have known Andi for probably 18 years, I think, and she is an extraordinary individual, an extraordinary woman. I think she will bring an extraordinary amount to this foundationally important institution, Respect Victoria.

As others speakers have done, I do also want to acknowledge the absolute passion, commitment and dedication of the then minister, the late Fiona Richardson, who really helped put this entire area of public policy on the map. I also want to thank the current Minister for the Prevention of Family Violence, who is doing an outstanding job, and I know she absolutely values having this portfolio, but I also want to, as I think the member for Narre Warren South just mentioned, commend the Premier.

Sometimes the best advocates and pioneers for the rights of a group of people are those who are not part of that group. So the best defenders of gay rights are usually straight people, the best defenders of women's rights — and this is more than just women's rights — are men, and I commend the Premier of Victoria for his absolutely genuine passion and commitment to this cause. I remember at the state conference of the Labor Party at Moonee Valley where he announced that our government would undertake the first-ever royal commission. There were absolutely tears in the eyes of many people, men and women, but I remember one good friend of mine, Amy Duncan. She had tears in her eyes when she came up to me. Although I should not mention her age, she is 80-something and is an extraordinary woman in the community. I want to thank

her because it is people like her, and the advocacy of people like her and many others who unfortunately have been victims of family violence and are not here with us today, who basically taught us to pay attention to this epidemic, as it has been called by the Premier and others, and it is an epidemic. So that kicked off the royal commission, which kicked off an enormous investment of historic proportions, but it also kicked off a number of legislative changes. This is probably my favourite one because it is around prevention and it is an independent agency, and that is something that is extremely welcome.

Our commitment goes way beyond that, though. Sometimes you have to lead by example, and this government has absolutely done that. This government appointed the first female Governor of Victoria in Victoria's 160-year history. We have committed to appointing 50 per cent women on the Victorian courts in all six jurisdictions. We have committed to and achieved the appointment of 50 per cent women on boards and committees across Victoria. But look at our caucus, our own Parliament. You walk into the Legislative Assembly or the Legislative Council and you see women on the side of the government, in the Labor Party. They are the things, as well as obviously the bill that we are debating today, that will eventually change perceptions in society and will imbue a sense of gender equality in the community.

I am encouraged by comments made by some in the opposition, like the member for Bass, but I am also very discouraged by some of the other rubbish that is debated by those opposite when it comes to crime. As one of our speakers on this side said, and I think it was the Deputy Speaker in her contribution on this bill, if you have got a genuine commitment to the prevention of family violence, you will make sure this is the headline story, because 40 per cent of police work is around this area.

You will not pretend that we are overrun by African gangs, which constitutes 1 per cent of the crime in this state. On the other side they seem to ignore the 40 per cent. They come in here and talk a big game on supporting this legislation here, but I want to make it very clear that Victorians are not fooled. Absolutely there are good people on that side who support this bill, I get that, but supporting this bill and supporting this endeavour to prevent family violence — and to support women — requires a far broader and more responsible narrative than the one being conducted by the opposition.

I commend the minister for her work on this, the government for bringing this bill forward and the royal

commission for the work that it has done. I look forward to, as other speakers have said, the absolutely significant impact this institution will have on the state of Victoria over the coming decades.

Ms McLEISH (Eildon) (16:55) — I am pleased to have the opportunity to speak on the Prevention of Family Violence Bill 2018. As we have heard this bill establishes the Family Violence Prevention Agency, which will be known as Respect Victoria. It will have three core functions: one, to oversee, fund and promote family violence programs run by organisations; two, to provide policy advice to the minister in relation to family violence prevention; and three, to conduct a review of trends and outcomes in relation to family violence prevention every three years. I note that there is no requirement on the new agency, Respect Victoria, to report on its finances unless requested by the minister. However, I note that the opposition has put forward an amendment to cover this. Finally, this new agency, Respect Victoria, will be an independent statutory authority.

If we set the context around this bill, we know that family violence has really grabbed the attention of society in a way that we are now starting to stand up and take a lot of notice. We really need to do something about not just it happening, but trying to prevent it from happening. We have had a few very high profile murders in the news recently which the member for Bass touched on, but I will also touch on a couple that have been in the newspaper last week. Joy Rowley was killed in October 2011. She was strangled by her former partner, who has since pleaded guilty, but there are several other cases before the courts now where guilt has not yet been established, including Samantha Fraser, Karen Ristevski and Snezana Stojanovska. I think that while these are front and centre it really does make us stop and think and reflect on what we can do as a society to better deal with the scourge of family violence. Certainly the coalition has given bipartisan support to do all it can to reduce this scourge.

I also note that the Royal Commission into Family Violence was tabled on 30 March 2016. That was a very comprehensive report that noted that the focus to date has really been on responding to violent incidents and the justice surrounding them. One of the recommendations was about the need to look at prevention and have that component as part of the activities that are undertaken in this field — that is, rather than just looking at what happens afterwards, let us actually try to make a big difference toward prevention. I certainly think that is commendable.

This bill fulfils recommendation 188 of the Royal Commission into Family Violence. It creates an agency which will be the first pillar, I guess, of the response here into the family violence prevention strategy. Many of us, as I look around this chamber and at my colleagues, have made pledges against family violence. A lot of these pledges have been made on White Ribbon Day, we have made them here in Parliament and many of us have also made them in our communities. Many sporting clubs and other organisations in our communities have also done a lot to raise awareness around this, and I certainly commend them for that.

I looked at my own personal situation in terms of family violence and I have none. I am very lucky. I look at the statistics and think that one in three Australian women have experienced physical violence since the age of 15. Thankfully I know that my family, my spouse's family, my cousins and my good friends have all missed out on being a statistic there. I have in my role as an MP had many people come and speak to me so I have had this brought to my attention, perhaps more than it would have been in just my regular life because I, fortunately, have been very removed from that experience. I find it quite extraordinary that women are three times more likely than men to experience violence from an intimate partner, and if you have a disability or are Indigenous the statistics are even worse. The incidence rate absolutely needs to be reduced. Our communities should be free from violence.

Historically violence has existed and continues to exist, not just here but in a number of societies. If we look at biblical times, or prebiblical times, we had societies that practised an eye for an eye, and some still believe in that. Whilst we have this happening worldwide it makes it more and more difficult for us to tackle the prevention element.

Overwhelmingly the victims in fatal domestic violence cases are women. I certainly acknowledge that there are men who have been victims of family violence, and that that needs to be equally condemned, but we know it is overwhelmingly women in the statistics. If you have a look at why this is the case, it is really quite interesting. There have been so many studies that have been done in different countries and within different disciplines looking at testosterone and aggression, masculine identity and aggression and gender role stress, and different journals from different countries have looked at normal populations and offender populations. We look at the traditional role of the male in society as being the breadwinner; they are stronger, they are bigger and they have often participated in more robust sports such as rugby.

I was quite alarmed about some of the statistics in England that I heard about recently with regard to World Cup soccer. Family violence increases when the soccer is on TV, and if there is a loss the violence is even more prevalent. I find that quite staggering.

The bill establishes Respect Victoria, and the main driver here is to make cultural change. Respect Victoria is going to cover everybody — not just women but men as well and those from Indigenous communities, people with disabilities, LGBTI communities, the older and the younger. Cultural change is a long and slow process, and if that is achieved we will see a decrease in the need for family violence services, refuges and certainly police time.

Respect Victoria is going to set the framework and provide policy advice here, and they have five guiding principles which will set the framework for these policies. But this is a huge job. At the moment respect in schools is not what it used to be. Respect in the home is not what it used to be. Children speak up and will even, often with drugs in their system, hit their parents. I know a lot of parents who have been subjects of family violence as well from their children. There is less respect for older persons. People do not stand up for them on trains and trams as much anymore. Respect for authority has dropped, as has respect for each other. We see what is happening now regarding respect for the police and even other emergency responders. They are spat at, they are hit and they are attacked in various different ways. This is not good enough.

We have had this huge rise in antisocial behaviour. Teachers at school are no longer the authorities. The parents challenge the teachers all the time, whereas in years gone by the teachers would say something and the parents would side with the teachers. That is not the case now. We are looking to steer this very big ship, Respect Victoria, to drive cultural change, but we are failing on so many levels in society now. There is so much to be done. It is so important that we do address prevention and that we understand what works and what does not.

I want to touch on some comments made by the member for Narre Warren South. She talked about a situation in Cranbourne where a child bride was subject to violence on an ongoing basis and was then burnt in her home. I find that absolutely appalling, as we all should, but she said there are a number of areas and a number of people. That is not an isolated incident. We need to be looking very strongly at doing something about this, because it is just appalling. I applaud the member, who is still in the chamber, for bringing that to the attention of the house and certainly to my attention,

because I think this is something we need to address. When we have different cultures that have different views about what they think is right and wrong and different views on respect, this really needs to be called out because we cannot have young women in these sorts of marriages that they have not wanted to be in being subjected to such awful violence.

As I said, this is a very big ship to turn around, this respect, when we have antisocial behaviour increasing at the rate of knots in our society. Respect Victoria has a lot of work to do in this field. It is a very big challenge. I wish it the best as it takes it on, because this is the first step.

Ms SULEYMAN (St Albans) (17:05) — I rise today to speak on the Prevention of Family Violence Bill 2018. This bill will establish an independent family violence prevention agency called Respect Victoria, which is a first for Australia and quite frankly groundbreaking in this area. This is about making sure that this agency will be independent and will undertake research, provide community engagement and report back to government regardless of the political cycle. Most importantly, Respect Victoria will evaluate family violence in all forms every three years and also report to the minister and to Parliament.

Today and in the last four years in particular we have heard tragic and horrific stories of family violence. There is no doubt that the first thing that we did once elected to government was to establish the Royal Commission into Family Violence in Victoria. There is no doubt that the royal commission heard and received many submissions, including one from me on behalf of my electorate of St Albans.

Once the royal commission was concluded it made 227 recommendations. I am extremely proud of this government, which has committed to implementing each and every one of those 227 recommendations. We have so far delivered on the 188th recommendation of the Royal Commission into Family Violence, and there is no doubt that the Andrews Labor government is leading the nation when it comes to dealing with family violence.

Like previous speakers on this side of the house, I would also like to acknowledge the late Fiona Richardson, the then minister, who really led the way when it came to the prevention of family violence in this state. I recall that shortly after I was elected to Parliament one of my first tasks was to host a forum together with the member for Footscray, who is here in the chamber today. Fiona was the guest speaker, and she came out to Footscray just after the tragic death —

and I will talk about it later — that occurred in Sunshine. We heard from stakeholders that evening. I recall it was a very cold evening, and Fiona spoke about her own experiences. She also made those stakeholders and people, females, who were there but who were not able to express themselves feel very comfortable that evening to actually talk about their own experiences. It was really important to Fiona to make people feel comfortable enough to tell their story.

Today we are seeing Fiona's legacy. I know that she would be extremely proud because this is one of the things she had always spoken about: having an independent, standalone agency that is able to perform its duties. It is now enshrined in legislation and will no doubt outlast all of us. Regardless of the political cycle, this agency will be here to support and most of all protect and develop programs and support mechanisms for our nieces, our daughters, our mums, our sisters, our grandmothers and generations of women to come.

As I have previously said, we have seen some pretty tragic stories and articles lately about women who faced family violence: Snezana Stojanovska, 26 and three months pregnant; Karen Ristevski, 47; Samantha Fraser, 38; and Joy Rowley, 60. These women were just like any one of us in this place — living their lives, working, providing for their families and being a part of loving communities. But all so tragically their lives were cut short. There are countless other women whose stories do not make it into the media whose lives have been tragically lost. We have an obligation to make sure that the appropriate safeguards and mechanisms are there for women and young girls to be able to feel safe and protected in our communities.

As I previously noted, within the first few months of having been elected to Parliament I was faced with the tragic and horrific story of what happened in Sunshine in the heart of my electorate. It impacts on everyone. It impacts on people of all colours and religions, no matter what postcode they live in. Fiona Warzywoda was tragically killed as a result of family violence in a very public place in the heart of Sunshine, on Hampshire Road just down from the Sunshine Magistrates Court. The events of that day will probably be with me for a very long time.

Here was a woman who was out walking, having just that day come out of the Sunshine Magistrates Court. She was a mother; she had four children. She was escaping and trying to get protection from the court from her dangerous ex-partner. She walked out from the Sunshine Magistrates Court and walked onto a Sunshine shopping strip. Unfortunately on the day she had gained an intervention order against her former

partner and in a public place, in broad daylight while many were shopping and going about their day-to-day chores, in front of dozens of witnesses, her ex-partner — I will not go on to what happened, but ultimately —

An honourable member interjected.

Ms SULEYMAN — Absolutely, and she died then and there on Hampshire Road. It really does say so much about Fiona's death and the public outcry that paralysed my community after that — to have someone stepping out from Sunshine Magistrates Court, having been granted an intervention order against her ex-partner, and being murdered by that ex-partner in broad daylight. As I said, there are many, many stories that do not make it to the media but that we hear about where women are tragically killed by their current partner or ex-partner.

Quite frankly, Respect Victoria is another mechanism to make sure that we continue the legacy left by the former minister, and the current minister has really taken on this matter and made sure that all 227 of the royal commission's recommendations will help build a culture of respect in our communities. By establishing Respect Victoria, this bill will be taking another step towards addressing family violence and violence against women in every aspect. It does not necessarily need to be physical. There are a number of steps to eliminate violence in our community.

I believe the media has an enormous role to play in this as well. The attitudes of men against women also need to change and develop, because for far too long we have heard men making all sorts of comments — it could be even a joke — against women. This needs to be called out, and there needs to be an equal playing field. On that note, I really do want to thank the current minister for all her work in this area. She has led the way in relation to family violence. I commend the development of Respect Victoria, and I commend the bill to the house.

Mr PEARSON (Essendon) (17:15) — I am delighted to make a contribution to the Prevention of Family Violence Bill 2018. Many speakers before me have recognised and acknowledged the contribution made by the late Fiona Richardson. I note that the member for Narre Warren South gave a very eloquent speech about Fiona's legacy and the contribution she made. The member had worked closely with Fiona for a lengthy period of time in this place and she was particularly well-placed to make those comments and recognise the contribution made. I can add nothing further that would do better than the contribution of the

member for Narre Warren South in relation to the contribution that Fiona made to tackling family violence in our community.

It is interesting to recall that when Brunelleschi designed the dome of the cathedral in Florence he was laughed at because people said, 'How on earth are you actually going to build this dome?'. A dome had not been built in the world since the Pantheon in, I think, the second century AD. What Brunelleschi did was get an egg and smash it on the table, and he said, 'I will do it like this'. I say that because sometimes great things can be achieved if people are prepared to try. Sometimes you have got the ability to do something that has never been done before — to radically redefine a topic, a cause or an issue — if you have got the willingness, disposition, courage and fortitude to pursue that.

If you think back to Victoria in the 1960s and the early 1970s, we had a population of around about 3 million and we were losing over 1000 people a year on our roads. If you extrapolate that to today's numbers, that is probably like losing 1800 people a year on our roads through road trauma, and the reality is the figure is probably around 200. That did not come about by accident; that came about through really innovative advertising and measures as well as an appropriate punitive response from Victoria Police. Steve Crabb, who the member for Footscray knows very well, was instrumental in designing those first ads for the Transport Accident Commission. Steve will tell you that the purpose of the ads was not only to educate people about not drinking and driving but to encourage the police force to recognise that by working on a booze bus they were doing important police work — that it was not a secondary or tertiary issue. It was to encourage police officers to recognise the fact that if you are working on a booze bus, you are doing important police work because these are the outcomes.

I recall that in my first speech in this place I talked about the fact that ensuring people have got the right tools to make informed decisions is the most effective public policy tool. Making sure that people can approach an issue, reflect on it, think about it and make better choices is far more effective than running a program or a project and imposing something on an individual. Ensuring that people can really think about an issue and make more enlightened and better choices is really important.

The reality is that now we are a world leader when it comes to road safety. We recognise the fact that you cannot drink excessively and drive, you cannot take drugs and drive, and that if you do, there will be serious consequences. Now we are a world leader, and we are a

world leader because we have made these sorts of investments. We have got outstanding institutions like the Accident Research Centre at Monash University. When I look at a bill like this, I think, why can't we be the world leaders in family violence? Why can't we think this now and think that in 40 years time there will be jurisdictions from around the world that will come here to say, 'How come you've got a state which is focused on gender equality and you've got programs that are actually succeeding? How come you've got a minimal homicide rate that can be attributed to family violence programs?'. Can we think about what we can do better? Can we think about becoming world leaders in the same way that we have tackled road trauma?

I think that is going to be the real legacy that Fiona Richardson made to this place. She was not a place-holder; she was a trailblazer. I think it is really important that we have got a government that remains committed to this work: to try and make the changes that we need to make, to ensure that people can make better choices, to ensure that boys who become men treat women fairly and appropriately and respectfully, and that we can end this cycle of violence.

It was an awful day last week when we saw that front page of the *Age* talking about the four women that had been murdered. At what point does society and does a community say, 'This is enough', that 'This is intolerable'? At what point do we recognise the fact that there are embedded inequalities in the way in which our society and our community are structured and function now? How can we try and do things better? How can we try and change things? How can we try and, for example, make it just a natural function that a couple who have just had a child have a conversation as to who is going to take six months off or 12 months off to help raise the child? You turn around and it seems a normal thing for a man in his 20s or 30s to go to his employer and say, 'Look, I want to take six months or 12 months paternity leave while my partner goes back to work'. It was not that long ago that, for many of us if we had had those conversations with our employers, it would have been a tricky conversation to have had, I think.

Maybe in the same way that we are trying to do things differently, we are trying to be better. Maybe that is where we need to go as a society and as a community, because the reality is you have many, many instances where a man and a woman have got similar earnings and capabilities, similar positions in their 20s, but because it is invariably the woman who exits the workforce to help raise the children, it is the woman who then has a reduction in the size of her superannuation balance. It is the woman whose career falters at times as a consequence of that, and it is the

woman who, at the age of 65, has a superannuation balance that could be a half or a third of her partner's, despite the fact that she is just as smart as him, despite the fact she had just as good a job as him at the start of their careers. We need to do things better, and we need to be better.

I am really excited to think about the prospects of what this agency can do: an independent statutory authority with an independent board, an independent chief executive officer, a significant budget, a way in which we can change the way in which we view gender relations in our community, a way in which we will educate boys to behave appropriately and respectfully. It is exciting to think what the possibilities might be over the course of the next 40 years. Imagine if you had been involved in those first road safety campaigns back in the 1970s and you looked at what has been achieved now. You would feel, I think, really satisfied with the work that you had done. I hope that we as a Parliament can feel that satisfaction in 20 or 30 or 40 years time. I hope we can say, 'We were involved in something really special that started with the work of Fiona, that continued under this administration, that changed the way in which gender relations were cast or recast in our community'. If we achieve nothing else as a government, if that is what we achieve, then I think we will be really pleased. I think we will be really satisfied with our collective labours and endeavours. I think that all of us will look back on the passage of landmark legislation like this with a degree of contentment, of satisfaction and of happiness. I commend the bill to the house.

Ms KNIGHT (Wendouree) (17:25) — I am very pleased to stand up and support this bill, and I will just go through what the bill will actually do. It will establish the new family violence prevention agency, Respect Victoria, in legislation and authorise its functions and guiding principles; set out the roles, functions and powers of the prevention agency, as well as the chair of the board, members and the chief executive officer; require that the agency reports on trends and outcomes of the prevention of family violence and all forms of violence against women every three years to the minister for tabling in Parliament. The agency will be required to provide an annual financial report. It will include guiding principles related to the prevention of family violence and violence against women to support Respect Victoria in undertaking its key functions, including that all persons should live in a safe and equal society free from violence; gender equality within society is connected to the existence of discrimination, family violence and violence against women, and that the prevention of these forms of violence contributes to a more equal society; equality and respect should be

promoted across the community, including wherever people live, work, study, learn, engage and play; the contribution and participation of all persons in the social, cultural, economic and political life of society should be promoted; gender equality and respectful relationships should be promoted.

I cannot go any further without acknowledging the incredible contribution of the late Honourable Fiona Richardson, who embraced the prevention of violence against women portfolio. Fiona was one of the smartest and most determined women I have ever met. She was the architect of the removal of the level crossings program and she was also the architect of setting up a statutory authority whose entire focus was the prevention of violence against women and children. Fiona's legacy of level crossing removals and the prevention agency will save countless lives. Her family should be very proud of her, and her children need to know that their mum was absolutely driven by the opportunity to save lives. Fiona was adamant that the prevention agency include all drivers of family violence, including ageism, racism, homophobia and transphobia.

We are standing here today debating this bill because of the groundbreaking work of the Royal Commission into Family Violence. This bill is directly related to recommendation 188 of that royal commission, one of 227 recommendations that this government is committed to implementing. One of the main points of that recommendation, if I can just read from the report, was:

There is a plethora of programs, some positive innovation, and strong sector momentum to continue the work in prevention. However this work has been inconsistently funded and supported, and programs often operate on an ad hoc basis. The commission has heard that it is critical that prevention activities be funded consistently in the future.

In about 1986 or 1987 the Western Region Centre Against Sexual Assault (WestCASA) was established. I was really honoured to be one of the first staff appointed at WestCASA. I was employed in an admin role at what was a really groundbreaking time. We specifically employed counsellors who had the title of counsellor-advocate, knowing back then that advocacy was required to educate the community on the prevalence of violence against women and children and to also work on the prevention of violence against women and children.

This was a really new approach at the time and a lot of work was done around dispelling all of those myths that were attached to violence against women and sexual assault of women. Some of those myths were 'women

asked for it', 'drunk equals consent' and 'it's impossible to rape your wife' — things that we know are just not true. We were battling with a really sexist society, with a society that was based on inequality, and it was really, really tough work going out and trying to dispel all of those myths that had been absolutely embedded into our culture, and in fact into most cultures.

I really want to thank the women and the men that were at the forefront at that time in dispelling those myths. They went out, often into dangerous situations, and put themselves in the firing line. They were denigrated and were put down for saying things like 'rape is about power, not about sex'. A lot of people could not fathom that, but we knew that we were right, and we knew that that was what it was about. We also knew then that if we were ever to change that, it had to come from an entire community approach. As I said, it was really tough work then. I thank all of those pioneers who went out and did that difficult work, and I thank their families who saw their mums and their sisters being denigrated for doing that work.

I also want to thank the next generation of fearless fighters who are dedicated to eliminating violence against women wherever they see it — for example, Jane Gilmore's tweets, with which she corrects media headlines, has a really great following. One of her posts from this afternoon corrects a headline from *News Mail*. Its headline was 'Info woman gave to her crush led to co-worker's rape'. Ms Gilmore has corrected this to read 'Man's decision to rape a woman led to rape'. One from the *Gold Coast Bulletin* read 'Woman was "flirty" and "very friendly" in the hours before she was allegedly raped'. Ms Gilmore has corrected this to read 'Man accused of rape says alleged victim chatted to people at a party'. And so I stand here going, 'Gosh, we have made such great gains'. Then I read the fantastic work that Jane Gilmore is doing with the headlines that roll over and over and over again, and I wonder: have we really made any difference at all? It is all a bit heartbreaking.

I want to touch on part of the recommendation that states that agencies should:

... coordinate research that builds evidence around the primary prevention of all forms of family violence.

This is something that really is close to my heart. It is also true that we do the best we can with what we know and that when we know better we do better. We must seek out that knowledge and continue to strive to gather more and more. We can never stop evaluating what we do. Even when, I hope, we get to the point where we eliminate violence against women and children, we must constantly be on top of that to make sure that it

does not creep back again. I would like to think that we can get to that point. It is hard to imagine it, and that is a sad thing in itself.

I want to acknowledge at this point one of the most amazing teachers and researchers that I have ever known. The late Dr Robyn Mason spent many years undertaking research on sexual assault and family violence and supervising many, many students who undertook similar research. Dr Mason started this when it was not popular, when it was not valued and when it was seen to be a women's issue. Her innovative work has also been instrumental in getting us to where we are today. She was one of my best friends — a real mentor to me and to so many women, and to men as well. Today, in this Parliament, I would like to acknowledge Robyn Mason for the lifelong work that she did right up to the very last moments of her life. I saw the books that were sitting beside her, books that she was reading. There were books around research on how to prevent family violence. She was a real pioneer and really committed right up to her very last breath — and I thank her for it.

Often the business of this place is driven by electoral cycles, and with the support of the opposition it is great to see the realisation of Respect Victoria to make that generational change, because inequality is so embedded that it may take generations to change attitudes. I hope that this generation of parliamentarians, the next generation of parliamentarians and all of those that follow will see this as being a most important issue — one that takes people's lives. This prevention agency will save people's lives. I hope that every generation of politicians will acknowledge that as a priority, will continue to fight and fight and fight for as long as it takes and will embed this agency into legislation so that it changes laws, it changes perceptions and it ultimately changes how we approach this very terrible, damaging and life-taking issue of violence against women and children.

Mr THOMPSON (Sandringham) (17:35) — I am pleased to make a contribution to the Prevention of Family Violence Bill 2018. The main purpose of the bill is to establish a body called the Family Violence Prevention Agency which will be known as Respect Victoria. The primary functions of the agency will be to oversee, fund and promote family violence programs run by organisations; provide policy advice to the minister in relation to family violence prevention; and conduct a review of trends and outcomes in relation to family violence prevention every three years.

During my time as chair of the Victorian parliamentary Law Reform Committee, a number of parliaments ago, we had occasion to review access to law and legal services in rural and regional Victoria. We took evidence at multiple sites around the state: Wodonga, Mildura, Robinvale, Swan Hill, Geelong, Bendigo, Ballarat and, in western Victoria, in Portland and Warrnambool. We gained a keen insight into the needs of various people in regional areas — the needs of women living in remote communities where access to law and legal services was a difficult avenue to pursue, noting the difficulties of commuting long distances to obtain advice, the cost of advice and also the way that people were known within their communities. Women in remote positions on farms confronted a range of difficulties that those in urban areas otherwise did not confront.

There are also other issues. We took evidence from a precinct in the Latrobe Valley, at Morwell and at Bairnsdale, and there were particular issues relating to domestic violence and violence there that were different to other parts of the state.

I am reminded that within the parliamentary precinct there are a number of memorials to women who served to make the world a better place. Just at the back of Parliament there is a plaque honouring the work of Caroline Chisholm, who helped immigrant women in the district of New South Wales and later in the district of Victoria. There is an interesting letter that she wrote to the *Argus* newspaper in December 1854, if I recall correctly, which spoke about the developing community in Victoria and the need of the hour. There is not much more background as to why the plaque was placed at that site at that time other than the fact that Caroline Chisholm dedicated her life to helping women in a variety of contexts to ensure that they were safely cared for as they undertook work in different parts of the state.

There is also another memorial out the back of Parliament. As you drive out the back entrance you can see the Great Petition scroll. It represents the suffragette petition of 1891. The first signatory of that petition was a lady by the name of Margaret McLean. She made a great contribution in a number of organisations in Victoria, and members of her family went on to become involved in the medical profession, the nursing profession and as educators. She sought to make a difference, in her way, to make the world a better and stronger place. In those days, the difficulties caused by alcohol were ones that people sought to avert. She made a meaningful contribution to the role of women and helped to advance and protect the cause of women.

If my life flashed before my eyes in a moment, the most enduring memory that I would have of my constituency work relates to a lady who, sadly, took her own life. She hung herself in her public housing unit, having spent the last of her money at the local poker machine precinct not far away. Her then 14-year-old daughter came home to find her mother hanging from the upper echelons of the stairwell. The tragedy, the grief that this person confronted as a result of the violence that existed in their local community — they were in a number of respects victims of violence and violence towards women.

In looking at the bill, the opposition has consulted with a number of different organisations that are in support of the bill. They include Domestic Violence Resource Centre Victoria, Women's Health East, Women's Health in the South East, White Ribbon Australia, the Victorian Women's Trust, La Trobe University, VicHealth, the Alannah and Madeline Foundation, the Municipal Association of Victoria and the City of Casey.

Again I go back to my own electorate and examples that have been brought to me. I did confer with the local Sandringham Hospital a number of years ago in relation to domestic violence legislation. Their work in the outpatients area reflected to a degree some of the problems that might be said to be more widespread in other parts of Melbourne, but we are not immune. We have worked through circumstances where there have been outbreaks of domestic violence — broken windows, the difficulties of supporting families when households separate and the pressures of finance, of employment and of meeting the needs of children and advancing the welfare of children. Strong families and cohesive communities are important ingredients in employment horizons and opportunities to earn income so that people can be established in their own lives and have routines that support wellbeing, welfare and the common good of households within community.

There are other elements confronting our communities. There are issues that communities and individuals confront in terms of alcohol and drug dependency and gaming. There can be a loss of orientation in the determination of what life contributions ought to be directed towards so that there is support for women in the community, there is support for the outworking of giftings and support for the wellbeing of households and families in the wider world.

As I noted earlier on, the most horrific insight that I have in relation to violence is an enduring memory that I have of my representative work. I trust that endeavours both at the level of the federal government and also the state government can encourage people to

live strong, productive lives where people care about one another and the welfare of each other.

Ms COUZENS (Geelong) (17:43) — I am proud to rise to speak on the Prevention of Family Violence Bill 2018. I am really proud to be part of the Andrews government which instigated the Royal Commission into Family Violence and made commitments to implement all 227 recommendations as a result. I want to congratulate the Minister for the Prevention of Family Violence and her team for making this happen. I particularly want to acknowledge the legacy of Fiona Richardson — we have had many comments about that today — and of course the Premier, whose commitment to addressing the issues of family violence is what started the royal commission in the first place.

We know that many individuals and organisations gave evidence to the royal commission about the family violence they had experienced, witnessed or knew about. A number of those were from my electorate of Geelong. There were those who for a variety of reasons, including their own personal safety, did not give evidence at the royal commission but who contacted their local members of Parliament to tell stories about their experience and what they saw as being the important factors to begin with to address family violence. I particularly want to thank all of those women who gave evidence, put in submissions, spoke to their local members of Parliament and contributed in a variety of different ways.

To date we have implemented 63 of these recommendations, with the remainder fully underway. It is expected that by the end of 2018 around 70 per cent of the recommendations will be completed. We owe it to women and children, who are overwhelmingly the victims of this kind of abuse, to fix this system. To date the government has invested \$2.6 billion to do that.

Addressing family violence is a significant issue in my electorate of Geelong. I am pleased that Geelong now has one of the first family violence safety hubs, the Orange Door, which is one of the 227 recommendations from the royal commission. I recently met with workers who work at the Geelong Orange Door. It has been open for approximately eight weeks. During that period of time there have been 1200 women and 700 children who have accessed that service. They are just unacceptable numbers in an eight-week period. This is very concerning to the people of Geelong but also to agencies involved in the Orange Door. They include the Barwon Centre Against Sexual Assault, Bethany Community Support, Colac Area Health and Wathaurong Aboriginal Cooperative. Organisations alongside them, including Family Safety Victoria, the

local regional Department of Health and Human Services and Victoria Police, form the leadership and governance of the Barwon support and safety hub. Those workers are feeling very proud about what they do and they are very excited that they are actually a part of something that has not been done before.

It is all very new, and as one of the first hubs they are undertaking groundbreaking, history-making work in my electorate of Geelong. They are really keen to contribute their expertise and skills that they have built up over many years working in the family violence sector. As I said, they are very proud to be a part of that. They are very proud to be a part of a history-making centre that is going to assist with family violence.

What we do need to do is ensure that cultural change happens. We have put in a lot of different legislation and services over the last couple of years since the royal commission. One of the things that was clearly identified by the royal commission was the need to change the culture in our community and of course the commitment to change culture takes a very long time. We need to make sure that we are making family violence a thing of the past rather than sitting back and putting in lots of legislation. There are things that need to be done and the Respect Victoria centre will actually do them.

I strongly believe that cultural change will make a significant difference in our community. The gender equity strategy that we have already implemented will also play a significant role in cultural change. I know in my community there is a huge amount of interest around the gender equity strategy and how it can be implemented in communities. It will play such a vital role. The City of Greater Geelong is in the process of developing a strategy. I have been leading the Geelong gender equity coalition, which is made up of many women across Geelong who are community leaders and women working in the family violence sector, to start looking at what we need to do as a community at a grassroots level. There is a strong position in Geelong that cultural change needs to happen, and needs to happen at a grassroots level. There is a very strong commitment in Geelong for that to happen. A lot of work is going on around that at the moment.

The only way we will ever end family violence for good is to stop it happening in the first place. The fulfilment of recommendation 188 takes us one step further towards doing that. The recommendation calls on the government to set up a statewide agency to drive, coordinate and support the prevention of family violence and all forms of violence against women. The bill establishes and authorises the functions, roles,

purposes and guiding principles of Victoria's dedicated primary prevention agency, Respect Victoria, as well as the roles of board chair, board members and the chief executive. I want to congratulate the board chair, the board members and the new CEO on their appointments, but I do want to note that Rod Jackson, who has been appointed to the board, is the CEO of Wathaurong Aboriginal Cooperative in Geelong. Rod will contribute significantly to the board, particularly along the lines of Aboriginal communities and their cultural needs that need to be addressed, and he also has experience as a CEO in a community organisation. It is very pleasing that someone of Rod's calibre along with all those other people will be represented on the board and play a significant role in the operation of Respect Victoria.

The bill requires that the agency reports on trends and outcomes of the prevention of family violence and all forms of violence against women every three years to the minister for tabling in Parliament. There is dedicated base funding of \$3 million per annum for the agency operations and an additional \$100 million for prevention programs. Over the last four years the Labor government has already provided \$12 million to Respect Victoria, which will continue to receive dedicated and sustained funding. It is one thing to set up an agency but it is another thing to provide the resources that are required. We have heard today the examples of WorkSafe and TAC and the role that they have played in changing culture in Victoria. By having Respect Victoria set up in a similar way, we know that it is more likely to work if it is set up like an institution such as WorkSafe or TAC. I know the late Fiona Richardson was very strong on the idea of having an agency set-up that would provide that cultural change and prevention strategies within Victoria.

I am very proud of this bill. I am very proud to be a part of the Andrews Labor government that is actually getting on with the job and getting on with providing the protections that women and children in our community need in terms of family violence. I commend the bill to the house.

Ms THOMSON (Footscray) (17:53) — I am very proud to rise as part of the Andrews Labor government to support the Prevention of Family Violence Bill 2018. In doing so I commend a number of the speakers today on both sides of the house in relation to the contributions they have made on this bill. I single out the member for Narre Warren South, whose contribution was extraordinary and very telling of why we are here today.

The Andrews Labor government came to office determined to have a Royal Commission into Family Violence and we did, straightaway. We set up that royal commission with no-one being certain of what was going to come from it. We did not know what the outcomes would be, but we were committed to making sure that we would finally make a difference in the lives of women who are at risk. When you talk about family violence you affect not just the woman who is the victim but her children, her family and her friends. It has a widespread impact not just on that woman but on the community as a whole. It is something that on this side of the house we cannot tolerate and we cannot stand by and watch happen.

Members opposite, I know, feel exactly the same way on this issue. This was the one issue that did bind this Parliament together in this term very, very strongly. I think too we have to acknowledge the work of former minister Fiona Richardson, who worked so hard to make sure that there was a bipartisan approach to this legislation.

Now I am going to let you into a little secret. I am not sure that Fiona Richardson really wanted to be the Minister for the Prevention of Family Violence. The reason she did not was that it was very close to home — it was too close to home. It was her own story — and she felt that that would be too hard to handle. But instead she picked herself up, I guess. Everyone on this side knows how tough Fiona Richardson was — soft on the inside but pretty hard on the outside — and that she would take on any battle that she needed to take on with gusto, and she certainly took this one on with gusto.

We are dealing with the issues of family violence and the victims and survivors of family violence out of the recommendations of the royal commission, and we have brought in legislation to do precisely that. This and the setting up of Respect Victoria is really about fixing the fundamental problem. The fundamental problem is stopping family violence in the first place. We all know that that is not going to happen straightaway.

I also want to commend the member for Wendouree, whose contribution about the struggle and fight to even get us to this point was very poignant. She also spoke about the work that still has to be done. But we know that the work that this authority is going to have to do is going to be tough. It is not going to happen overnight, and we have to change the hearts and minds of people who have little respect for women. We are going to have to teach our sons a different attitude to women, and we are going to have to teach the hardest coterie of

all: men — men who have already grown up with embedded in their thoughts a certain role for women and in some cases a lack of respect for women.

It is not all men; there are champions of men both in this chamber and outside this chamber who are working for change, and the reality is that they are going to have more effect on other men than we women are going to have. But there are men out there who still see women as their property, who still disrespect women and who do not see the independence of women as being important. We have a responsibility to try and teach them a new way of seeing women — that women are equals, that women have a right to have an independent mind, that they have a right to have an independent income, that they have a right to be respected in their homes and, most importantly, that they have a right to be safe in their homes. That is the role of this body. This body has got a huge, huge job to do, and it is going to be a long time before we see it actually succeed in its work, but bit by bit I hope we see an improvement. I hope every year we can see reports of where change is occurring, where women are more safe, where children are safe and where women can feel that they can leave their homes safely if they need to and be supported in that task.

I am so proud to be part of this Andrews Labor government that has made this issue a number one priority, that has had the members of Parliament — every single one of them, without question — wholeheartedly in support of the work that we are doing in the family violence space. I want to commend the current Minister for the Prevention of Family Violence, who is following on from Fiona Richardson and the work that she set up and started. I hope she is looking down upon us now. Although she believed in spirits, she probably is not looking down on us. She is probably sitting in one of those empty benches over there saying a few choice words and, 'It's not about me. It's about the issue. Get on with it'. But I commend this bill to the house and wish it speed in passing. I look forward to seeing the work that this authority will undertake.

Ms KILKENNY (Carrum) (18:00) — Can I say I am so very grateful to be able to stand here today to speak on the Prevention of Family Violence Bill 2018 — grateful because we are here speaking on a bill like this and because we have a Labor government in Victoria that is absolutely committed to addressing family violence but also to ending and preventing family violence. As we have heard from so many speakers on this side of the house, it is the Andrews Labor government that is serious about our number one law and order issue — law and order emergency — and that is family violence.

Last week there was a very stark photo on the front cover of the *Age*, and it really brought home this message of family violence in Victoria. Underneath the photos was the very stark caption, which simply said, 'This must stop'. Above it were the photographs of four women, all very different women at different stages of their lives — all different, but all dead.

We know that so many women in Victoria and across Australia are being murdered by their current or former intimate partners. This week I actually heard from the mother of young Katie Haley, who was murdered in her home in March this year by her partner. I heard also from the sister of Cathy Browning, who was killed by her husband in 2013 in her home in Skye in my electorate of Carrum.

This is a gendered issue. It is about violence against women, and violence against women must stop. We owe it to the women of Victoria, and we owe it to the children of Victoria to fix this system and to fix this issue, and that is exactly what the Andrews Labor government is doing. I also wish to acknowledge the Premier, who has shown extraordinary leadership on this issue, and I commend him for his commitment to gender equality in Victoria.

I also wish to acknowledge and pay tribute to the late Fiona Richardson, who was our Minister for the Prevention of Family Violence. She was someone who was so committed and so determined to address this issue, to bring about change and to bring about the end to family violence. I also wish to acknowledge our present Minister for the Prevention of Family Violence, someone who has taken on this role with that same level of commitment and sheer determination.

Of course we are here in no small part due to the extraordinary contribution of another woman, Rosie Batty. Victoria is indeed indebted to Rosie, someone who has been the voice of so many women in Victoria, so many victims and survivors of family and domestic violence. We all remember that on 12 February 2014 Rosie lost her only child, Luke Batty. He was murdered by his father, Rosie's former partner, in front of Rosie and horrified onlookers at a cricket training session at an oval in the small town of Tyabb. He was 11 years old. The subsequent inquest into Luke's death highlighted a range of really systemic issues and failures in our response to family violence. It was Luke's death that was actually a main driver in instigating this state's, and this country's, first-ever royal commission into family violence. We can now finally start to comprehend and recognise the scale and severity of the level of violence against women and children in our communities — and that is all of our

communities. Family violence does not distinguish between demographics or localities; it happens absolutely everywhere.

More than 1000 witnesses contributed to the royal commission and gave their accounts of personal stories. The message was very clear: our system needs major reform. This includes our police, the judiciary, the judicial system, community services, government agencies and our workplaces.

We have heard that after 13 months of an extraordinary amount of work the commission concluded with a final report, making 227 recommendations. This government has proudly committed to implement every single one of those recommendations, and we are well on the way already, with a \$2.6 billion investment having already been made. We know this includes support for victim survivors, looking at better coordination with community and government responses, more counsellors, making perpetrators more accountable, pursuing breaches of intervention orders, greater deterrence, more investment in emergency and crisis housing, the establishment of support and safety hubs, greater information sharing, family violence leave and reforms to the child protection system. We know, and the royal commission absolutely confirmed this, that the financial and social costs to our communities from family violence are enormous.

Significant reform, funding, resourcing and education are needed across Victoria and nationally. We know that we need generational change. We need to make significant long-term enduring change if we are going to end family violence. But of course the change needed is not just to the systems that we have in place in Victoria; we need to address the drivers of family violence. Recommendation 188 of the royal commission's report will help us do this, and that is what the bill before us today will achieve as well. The bill is for the establishment of a prevention agency, and that is a dedicated primary prevention agency. It will be known as Respect Victoria. It will be an independent statutory authority, enshrined in legislation, with the primary purpose of helping to drive cultural change and prevent family violence and violence against women in Victoria.

Put simply, we need to address family violence. We need the systems, the mechanisms, in place to address family violence, but we need to do more. We need primary prevention. We need to address, disrupt and dismantle the harmful attitudes towards women which are so prevalent across Victoria and Australia. It is these attitudes, these gender stereotypes, that create gender inequality, and gender inequality is the main

driver of family violence. So if we are going to prevent family violence, we must end gender inequality.

It is a really sobering fact that we have got broad-based and accepted community attitudes which confine women to a lower ranking than men, which see women under-represented in leadership roles and which see women paid less than men for the same work. It is these attitudes which enable and give some sort of perverse legitimacy to those abhorrent attitudes which then condone and perpetrate violence against women.

Violence against women must stop. Family violence must stop. Our establishment of Respect Victoria is a significant step in raising awareness about our own culture and our own attitudes which perpetuate gender inequality. I have to say sometimes this inequality is just so ingrained that we cannot see it, and we need Respect Victoria to identify this ingrained cultural bias if we are to do anything about it. Until we see it, we cannot call it out. We need to see it. We need to be shown it, and Respect Victoria is going to help us in achieving that.

I would like to finish by quoting a post on Facebook by Tom Meagher, the husband of the late Jill Meagher, who was murdered in 2012. He wrote:

The polar contrast between Jill and her killer are so clearly bookends of the extremity of good and evil that it sometimes feels like an ancient tragedy played out in real life. But it's the gaping spectrum in between those two opposing ways of living that chills me more than the red-faced, steroid-riddled, dead-eyed individual misogynistic rage of the man who killed her.

In the war on women, this man exemplifies the extremist wing of the hateful and pervasive ideology of male sexual terrorism, but it's the everyday spectrum of male violence that disturbs me even more. In a culture where the deaths of most women are not newsworthy, are so commonplace that they are seen as incidental, expected and simply inevitable, he certainly does represent the extremist wing. But it's the many silent foot soldiers, supporters, cheerleaders, beneficiaries and bloated, self-righteous guardians of male supremacy who vocally claim to despise the extremist wing while essentially supporting the underlying ideology that chills my blood.

If we are going to end family violence and violence against women, we must change the attitudes, the deeply held views, that perpetuate gender inequality. I commend the bill, and in so doing I call on those opposite to support us.

Ms GREEN (Yan Yean) (18:10) — That was just an extraordinary contribution from my fabulous colleague the member for Carrum, and I am pleased and proud to be following her. I really do not know how I can top that, but I am really proud to be speaking in support of the Prevention of Family Violence Bill

2018. This is something that has motivated me since my commitment to this area and my commitment to making a difference as a woman — not just as a woman in public life but I think from the really early point of being a very young parent at 19 years of age and seeing a lot of exploitation of young people and a lot of mistreatment of women, but also something that impacted me in about 1987.

I was returning from a holiday in a bus from Queensland with my then 4-year-old son. I had taken a couple of weeks off for a holiday from my job in the public service in the office of housing, where I worked in support of a lot of disadvantaged women. I read a small article in the *Australian*, a very small article, and it said that a woman had been stabbed to death in a Canberra cafe in front of about 30 diners. It really chilled me. It did not name the woman, but something just made me feel uneasy. Three months later I discovered that the woman who had been murdered in front of that group of diners, in front of her colleagues, was actually my friend, Katrina Makar, who I used to share a house with when I was in Mildura.

Katrina had a really difficult life, a really difficult upbringing. She had fallen out with her family and was living with her aunt in Mildura and being supported in education there. Like me she was an early parent, but unlike the luck that I had she had the bad luck to meet a very, very unpleasant man after she had her little boy. She tried to escape from him 17 times. She went from state to state. I believe she lived in three different states and a territory trying to escape that man, but he kept finding her. She kept trying to change her name, kept trying to support her little boy. The one crime she had committed so far as this weak man was concerned was that she had left him and that she was trying to make a new life.

I will never forget the emotions I had when I found out that it was Katrina that I had read the article about — that it was actually her. Something snapped in my brain. I think we all deal with death in different ways, but we see it as a part of life. But just something in my brain could not comprehend that she was gone. Illogically I wanted to call her, I wanted to support her. Just the idea that anyone could take the life of someone else, let alone someone that you had previously loved. But what was really horrendous was that that man was convicted of manslaughter and got a very small custodial sentence. As I said, that was in 1987.

Many years on I met the magnificent Jane Ashton, who is now a Nillumbik shire councillor. Jane lost her twin sister, Julie Ramage. By this stage I was in here as a legislator. Jamie Ramage murdered Julie. He took her

life after tricking her into returning to the family home and then seemingly was not that concerned about it. He put her in the back of his Jaguar, I think it was, or a Rolls-Royce — one of those top-end cars — and took her out to Arthurs Creek and buried her in a shallow grave. Despite that, during his trial it seemed like Julie Ramage was on trial, not Jamie Ramage. I think from memory he got something like a six-month sentence. I am really glad that this Parliament took action at that time to ensure that that was the last time that a murderer got off by using the defence of provocation and having his sentence brought down to manslaughter.

But sadly the deaths continue. I could not have been prouder when sitting at the Labor Party conference in the April before we took office, when the now Premier of Victoria, to a very, very hushed conference — and those conferences are not often quiet — announced that Labor in government would introduce a royal commission into this terrible tragedy of family violence. I am really proud of what we have done with that, the way we have resourced police and the way that police now respond to this issue. But still the deaths continue. This bill is part of our reforms, and Respect Victoria was established on the second anniversary of the royal commission.

Last week there was an article on these tragic deaths written by Miki Perkins in the *Age*. The Premier posted it on his Facebook page, with very moving words saying why we need to stop this, that these deaths need to stop. I reposted that article on my Facebook page. There were many people who said that this is something we need to keep responding to, but sadly there were numerous people who tried to denigrate, to devalue the deaths of these women, these murders. They tried to have some equivalence, saying that men suffer in the same way. Yes, they suffer when they lose their sister, their daughter or their mother to murder by their partners, but they do not suffer death at the same rate or at the same level as women. It has often been said that if men were dying at the rate of one a week from shark attack, it would be an outrage.

I commend Tom Meagher absolutely, and good men like Tom Meagher who have been through the most dreadful of circumstances. He lost the love of his life in such a public way. It was a beautiful article that the member for Carrum quoted from, an article that he wrote on what would have been the 10th anniversary of his wedding to Jill. He spoke in the most eloquent and beautiful terms about how we need to respect all victims and that it does not matter how you are murdered. If you are murdered, men need to take responsibility and our community needs to change.

So often when women talk about being harassed or sexually assaulted, it is turned around and still after all this time there will be a conversation that ‘She asked for it’. When I reposted that article and those comments by the Premier of our great state, the commentary went on for hours and hours. The apologists said, ‘Oh yes, but you just don’t hear about the deaths of men’. Well, when the deaths of men occur in a family violence situation, that is equally a tragedy. This bill before the house and the establishment of Respect Victoria will be for all Victorians. But let us not forget that it is women and children overwhelmingly that are being murdered in these situations, and it is for them that this bill is before the house.

I urge everyone to respect the words of men like Tom Meagher. To those opposite, it is a real shame that they are not contributing to this debate. I really hope that they are going to support it because this is a worthy piece of legislation. The deaths of women and children in this state need to stop.

Ms THOMAS (Macedon) (18:20) — I want to commend my friends, the member for Yan Yean, the member for Carrum and the member for Footscray. I have sat and listened to their contributions today just preceding my own now, and they have been extraordinarily powerful and a reminder of how significant this work of our government is and how family violence impacts all of us in many different ways. The impact is profound, moving, disturbing, but thankfully also it has led to this call to action, and this is a government committed to delivering action to end family violence.

It will take a generation, we understand that, but we are there for the long haul. Like the member for Yan Yean I call on those opposite to do more than not oppose this bill. I call on those opposite to get right behind this bill and support it, and indeed to come out strongly and let the people of Victoria know that they will support and fund the implementation of each and every one of the royal commission’s 227 recommendations. Despite some of the words about commitment to bipartisanship on this issue, not one of the Liberal Party of Victoria, the Leader of the Liberal Party in this place or the shadow minister in the other place, Georgie Crozier — none of those people or institutions — has yet put on the record that they will fully fund and implement each and every one of the royal commission’s recommendations.

I am very proud to speak on this bill and I want to begin by acknowledging the work of the late Fiona Richardson. Fiona’s commitment to the establishment of a family violence prevention agency was very strong,

very powerful and very clear, because Fiona understood, as we all do on this side of the house, that gender inequality is the root cause of family violence. Unless we commit the time, the resources, the skills and the agency to do that work, we will never end family violence. As I said before, we know this is about generational change. The steps and strides that we need to take are going to be difficult, but we have got to start somewhere and this agency is a great step forward to ending family violence by addressing gender inequality.

Gender inequality manifests itself in many ways, and every day we see it. We see it expressed in this place, for instance, in the fact that the most recently elected member, the member for Northcote, is only the 88th woman to sit in this chamber. We have had 58 parliaments in this place and there are 88 sitting members. In all of that time only 88 of them have ever been women. We see it in the persistence of the gender pay gap, largely caused by the unequal distribution of part-time and casual work, and the undervaluing of roles where women have traditionally dominated, indeed in the caring professions. We see it in our honours system. I was glad to see finally in the most recent Queen's Birthday honours that for the first time ever more women than men received honours. That is despite the enormous contribution that women worthy of an honour have made in our community over decades.

We see it in our electorates, where our football-netball clubs still measure their success by the results on the field more so than on the court. Gender inequality also means that some men see girls and women as less deserving of respect, care and freedom. Gender inequality means that some men treat girls and women as objects to own and control, to disparage and to humiliate. It means that some men seek to assert power and control over girls and women by using physical and psychological violence. It is important to recognise that gender inequality diminishes the potential of men also. It does this by promoting stereotypes that are hard for some men to live up to, and that can encourage risk-taking behaviours.

The establishment of Respect Victoria is a direct recommendation from the royal commission, and the royal commission stated:

Unless we address the problem of family violence at its source, and get better at preventing it from occurring in the first place, our communities and support systems will continue to be overwhelmed.

...

Strategies that seek to prevent violence against women focus on addressing gender inequality by, among other things, challenging gender norms and attitudes towards women.

...

... prevention efforts need to address social conditions such as socio-economic disadvantage, discrimination based on race, sexuality or age, and prior exposure to violence alongside gender inequality.

So as we have heard Respect Victoria is an Australian, if not a world, first. It will drive part of the implementation of Victoria's *Free from Violence* primary prevention strategy and action plan, the development of which fulfils recommendation 187, and it will coordinate activities and provide expert advice on best practice; drive communication and engagement with the community to change the culture that allows family violence to happen in the first place; lead research into what works to prevent family violence before it starts; develop a framework for monitoring progress in family violence prevention, including endorsement of primary prevention programs; provide advice to government, organisations and the community in best practice in family violence prevention; promote awareness in the community, including through the delivery of behavioural change campaigns; and have the ability to fund programs with the authorisation of the minister.

Respect Victoria will inform government, industry and the community on what works in the prevention of family violence. The agency, as we have heard, will be funded through dedicated base funding of \$3 million per annum. This is in addition to \$100 million for prevention programs over the last four years that the Labor government has already provided. There is \$12 million for Respect Victoria, which will continue to receive dedicated and sustained funding.

Respect Victoria is an incredible step forward. I am very proud to be speaking on this bill, but I wanted to take the opportunity to tell you about something happening in my own electorate. I want to tell you about the Rural Challenge. It is a gender equality leadership program that aims to empower local Country Fire Authority (CFA) brigades and football-netball clubs to be more gender equal. The program seeks to challenge masculinity while empowering women. It is about more than just increasing the numbers of women in clubs and brigades. It is about promoting a culture of gender inclusiveness. The Rural Challenge gender equality leadership program takes a community development approach to this work by building the capacity of male and female community leaders. I am really delighted that in my own electorate members of the Malmsbury fire brigade, Mount Macedon fire brigade, Lancefield fire brigade, Lancefield Football Netball Club, Macedon fire brigade, Riddells Creek fire brigade, Kyneton Football Netball Club and Taradale

fire brigade have all been involved in this program, with the support of CFA district 2, AFL Central Victoria, Women's Health Loddon Mallee, AFL Goldfields, Macedon Ranges Shire Council and the City of Greater Bendigo.

It is really uplifting. I have been to some of the events and to some of the workshops, and I have spoken with participants in the program. It is really uplifting to see men and women in my community participate in these workshops and for people to realise that if in fact our clubrooms fail to promote the role of the netballers and to celebrate the achievements of the netballers, then we do not have an equal football-netball club, to see our brigades realise that in fact sanitary napkins should be part of any brigade's health and safety and first-aid kit, and to see this realisation of the men and women in our football-netball clubs and in our CFA brigades. So it is talking about really practical but fundamental shifts in the way in which our local brigades and football-netball clubs approach the engagement of women in their organisations. So that is fantastic, and I commend the people involved in that.

I am also very pleased that Kyneton Secondary College and Gisborne Secondary College were trial schools for the Respectful Relationships program. Both of those schools are very proud of their role as leading schools in this program. It disturbs me that those on the other side I think have Respectful Relationships in their sights. I do not believe that program is safe should those on the other side win power. I conclude by calling on those on the other side to fully get behind all of the recommendations of the royal commission and to call out gender inequality, to name it as the root cause of family violence.

Ms GARRETT (Brunswick) (18:30) — I am proud, like I think every member is in this chamber, to speak today in support of the bill establishing Respect Victoria. I commend the work of the Minister for the Prevention of Family Violence and all of the prevention of violence against women experts who have worked so hard to create a statutory agency to promote gender equality and respect between men and women. The minister goes about her work with a steely determination and a genuine passion for reform, and I am proud she is making such a difference both in her work in family violence prevention and gender equity and also in helping make treaty a reality in this state.

I would also like to pay tribute to the various speeches in the house today, of which I think one and all have been solemn, determined and hopeful. The member for Wendouree and the member for Bendigo West in particular I would like to highlight, and particularly the

member for Wendouree's very frank and very raw assessment of her time working with the centres for sexual assault and what that meant when dealing with a community which had so much gender inequality right through it. Both she and the member for Bendigo West made the point that we still have a long way to go.

The member for Wendouree, the member for Bendigo West and I were greatly inspired by, guided by and mentored by the extraordinary Fiona Richardson. This month it is a year since her passing. These words I have prepared with Tanja Kovac, who was Fiona's chief of staff and a very passionate and extraordinary champion of gender equality, women's rights and the protection of women and children to live in a world free from violence. They were an incredible team, Fiona and Tanja, and Tanja is absolutely set on ensuring that her legacy is realised every single day.

Fiona had a heady mix of idealism and pragmatism in the way she approached family violence policymaking. Her heart told her that it was possible to stop family violence before it started, but her head told her that the nature of politics, the brutal opposition for opposition's sake and the lack of shared political will to sustain behaviour change meant that no prevention program could be left to the whim of any one person in this place or any one government.

Prevention of violence was too important to be left to politicians was Fiona's view. Its solution would need to be owned by everyone in this place. Nothing short of legislation would do. She hoped by having legislation it would put an end to the ideological debates about the necessity of promoting gender equality to end violence. She hoped and believed the creation of a statutory agency would give prevention initiatives an independence from changes of government that the family violence crisis desperately needed.

Fiona knew that transport accident deaths and injuries were reduced by the establishment of the Transport Accident Commission and work-related injury and deaths were reduced by establishing WorkSafe. These were both Labor government prevention initiatives, and Fiona knew what made them so successful. It was her vision to replicate these structures and put them to work to reduce the injury and death of women and children in the home. With her family violence index, she envisaged regular reporting by the agency on how and where various prevention investments were having an impact on the incidence of violence. She knew you could not manage what you did not measure.

Respect Victoria establishes an independent statutory agency that will promote behaviour change and seek

out and deliver more and more innovative ways to end violence in the home. It is the important first step in acknowledging that attitudes drive behaviours and that changing ingrained sexism will take time, resources and will. The Andrews Labor government has shown a dedication to family violence prevention investment unprecedented in this nation's history. Fiona's vision was that that funding would then be a dedicated source for this agency.

The agency ticks off our government's obligation to implement recommendations 187 and 188 of the Royal Commission into Family Violence. Our government should be very proud that we have acted so swiftly to achieve this. Fiona was ahead of her time. She expected so much of us — to give the experts what they needed to get on and save lives. Thanks to Fiona's vision and the current minister's hard work to fulfil it, we have taken a huge first step on the right path to securing a violence-free Victoria for women and children.

I think it is a testament to just how much the work of this government has seeped into and changed the debate, the discussion, the discourse and the action on this really most insidious of evils that impacts so many women. I think others have referred to it, but the *Age* front page just a few days ago read: 'This must stop'. I would like to quote from the front-page article by journalist Miki Perkins:

What horror. The vivacious faces of four women beam from photographs ... striding along a beach, sipping bubbles at a party — when they were full of joy, of life.

And yet, these four Victorian women are now dead.

Another day, another slew of grim stories about women who have been killed. The grind of the police hunts in each case, the incremental criminal trials and the coronial inquests.

...

Each case will be dealt with separately ... The justice system will take its course ...

But we know these women probably died terrifying deaths. And we know that in the three cases where charges have been laid, the accused men had been their husbands or partners.

We know that there are now children without a mother and children whose father has murdered their mother.

This is an incredibly significant day and an incredibly significant milestone for women in Victoria. We are a leading light in the nation on how to confront this issue, to own this issue and to act on this issue. Other states are following our lead and the federal government is following our lead. At its heart this is about what Fiona's vision was, what the Premier's vision is and what the current minister's vision is. We would like a

Victoria free from violence, we would like women to be able to go home and make dinner for their kids and we would like those kids to be put to bed in a warm and safe environment where they do not have to fear what is happening outside their bedroom and where they do not have to tremble at the thought of having their mother slaughtered. That is what Respect Victoria will be dedicated to — with an outstanding chair, an outstanding CEO and an outstanding board of advisers. We must make a difference. As was so eloquently put in that headline, this must stop.

Mr NOONAN (Williamstown) (18:39) — I commend the member for Brunswick. Those of us who were in attendance at the late Fiona Richardson's memorial service will never forget the contribution that the member for Brunswick made in relation to honouring the life of Fiona Richardson, a dear colleague of so many. If any one of us was spoken about even to a degree in the way that the member for Brunswick spoke about the late Fiona Richardson on that day, I think we would all be profoundly blessed by that contribution. I also want to commend the contributions of so many members who have made such powerful and profound contributions to this debate.

We are all influenced by people when we come to this place and when we move about the community. I have referenced from time to time the late Joan Kirner and the impact that she had on me right from the first conversation, when she said to me that men had just as big a responsibility to influence women's issues in public life as women did themselves, and so too did the impact come from my great friend Fiona Richardson, whom I have spoken about at length following her passing and in a condolence motion. But the one thing that Fiona made really clear to me and what this bill really goes to is the issue of where family violence starts, where the issue of violence against women starts, and that is gender inequality. That is where inroads can be made, and that is essentially why this bill is so critical.

I want to thank the Minister for the Prevention of Family Violence and indeed her office and the very dedicated and hardworking public servants who are driving this work forward. It is not easy to pick up this sort of work from someone such as Fiona, but I think in the minister's dedication we have been enormously well served not just as a government but as a Victorian community as a result of her commitment and the commitment of her office and indeed that of the public servants who support that work.

When I was police minister I found myself in a position where Fiona Richardson, the minister at the time, was

on a week's leave. It was September 2015, and what had just happened was that the coroner had just released their findings into the death of Luke Batty, who died in February 2014. I found myself having to read the coronial report very quickly in order to face the media and give a response on behalf of the government. I had not read too many coronial reports before that moment. The report was 111 pages long, and when I got to the third line it broke my heart because the third line of that report said:

Mr Anderson deliberately and forcefully swung a cricket bat at Luke's head. Mr Anderson then produced a knife and inflicted deep wounds to Luke's neck. Both injuries were equally fatal.

I remember having to work my way through the report there, thinking that I have an 11-year-old son and Luke was 11. Of course, as the pressure of being a minister has it, I read through the report and as I walked out to the press conference there must have been six or eight cameras there, a scrum of state rounds media and everyone interested in this report. I just remember how hard it was to be able to offer comfort to Rosie, the family and all those people who, for reasons not of their own making, would have been interested in that report on the day.

I remember walking away with my media adviser at the time, Vanessa Williams — it took about 20 to 30 minutes — and I just broke down. Still to this day I just find it very hard to reflect on the circumstances of that family and the many families that find themselves in the situation that Luke and Rosie Batty found themselves in. I still find it extraordinary what Rosie then took from the worst of circumstances: she came forward, and that of course, as we have all come to appreciate, was the line-in-the-sand moment for change.

As a result, as other members have put it, the Premier then pledged to hold a royal commission. Of course, as history records, Labor then won government and the royal commission happened. It was an extraordinary process which I think has profoundly changed and impacted where this issue will go in the future. This is very difficult terrain. Many members have referenced recent deaths, and we keep wondering why this in fact happens. It is right to reflect, it is right to scrutinise and it is right to ask the hard questions, but it is not right to ignore this issue and it is not right to ignore the 227 recommendations of that report. So whilst this bill is a small part of the machinery and the response that a government can put in place, I think what this does is that it demonstrates that the way to make change in relation to this issue is to go to the question of prevention.

In many cases — and as I said we have seen some very tragic cases in the last month — it is too late for some. It is just too late. If we expect the courts or police to essentially fix problems that have been there for many a year, it will be very difficult, but we have a responsibility over our generation to make the profound change that was triggered by Luke Batty's death and the tragic deaths of many women and many family members at the hands of supposed loved ones. That is what this government is doing. Every single government has a chance to make choices when it gets the opportunity to govern. They get the chance to invest in the areas that they believe are most important for the government of the day.

I am so proud to stand here as a Labor member in the final weeks and months before I leave this place and to actually understand that what this government, the Andrews Labor government, has decided to do is invest more than \$2.5 billion in changing the course of this issue forever, including \$100 million for prevention programs. These are unprecedented investments that have been made after an unprecedented royal commission — an Australian first.

Of course what we are looking at today is the establishment of Respect Victoria. I congratulate the chair of the board, Melanie Eagle, and the new CEO, Tracey Gaudry, those who will work on the board and those who will be employed by Respect Victoria. They have a very important function, and that function is twofold as I see it: firstly, to address the gender inequality which is the cause of family violence and violence against women; and secondly, to provide expert advice and best practice to all governments — today's government and future governments. Victoria should be seen as a leader when it comes to both Australia and indeed the world. They also have a responsibility to provide a proper level of assurance in relation to the quality and work and accreditation of those agencies that do work in this space.

I am pleased, again, that this government has provided them with the necessary funding of \$12 million to do their work, because as I said the key to this is prevention. The key to this issue is prevention. It starts with all of us. It starts with us as parents talking to our children — in my case our two boys. It starts with us as community leaders, in whatever capacity we can, talking about the seriousness of this issue and indeed making change wherever we can.

There is little room for politics in this issue. But I tell you: it would be very important at some point for members of the opposition to make clear their commitment to recommend and implement the full

227 recommendations of that royal commission. I have not heard it yet, and I think it is important to hear.

Just finally, can I just dedicate my contribution tonight to a couple of people I have come to know in more recent times: Edith and George McKeon, the parents of Jill Meagher, and indeed Tom Meagher, who I have got to know over a period of time. Both George and Edith and also Tom have struck me with their strength and their resilience, and in fact they have not lost their sense of humour. I thank them, and I certainly commend this bill to the house.

Ms WILLIAMS (Dandenong) (18:49) — It is my pleasure to rise in support of the Prevention of Family Violence Bill 2018 and to follow on from such a wonderful contribution from the member for Williamstown. I should add to that that there have been a number of very personal and heartfelt contributions on this bill, which is just as it should be. None of us, in speaking to this, have wanted to get, I suppose, too bogged down in the detail around the creation of Respect Victoria. Much like those that have gone before me I will touch on that but in the context of talking about the broader issue.

I know many people in this place who have spoken on this bill have reflected on the front page of the *Age* last week, which featured the faces of four beautiful women — Snezana Stojanovska, Karen Ristevski, Samantha Fraser and Joy Rowley — but we all know that it goes far beyond those four faces. That is, I suppose, why that front-page was so powerful. A number of other people have been spoken about across the contributions here today. We have heard about Luke Batty, we have heard about Jill Meagher, we have heard about Masa Vukotic and a variety of others — too many women and too many children who have suffered not only tragic deaths but usually tragic lives that led up to those tragic deaths. That is also what we are talking about.

The sad part of it is there are thousands of women still living those tragic lives, and some of them will come to those tragic ends. That realisation is heartbreaking for any thinking and feeling person but also explains or justifies so clearly why we need the bill before us today, which as we have heard establishes Respect Victoria, and why we also need and have needed so desperately the Royal Commission into Family Violence with the 227 recommendations that it handed down and the commitment this government has given to meeting those recommendations and of course the \$2.5 billion that has been committed to meeting those recommendations so far.

There is no more important law and order issue in our state, in our country, than family violence. That is a fact. Sadly, that front page of the *Age* last week was an aberration in reflecting that; it was unusual to see the media in its conversation around law and order actually talking about this issue that we all know is reflected in the statistics as being far and away the single most prevalent and important issue in the law and order space. That is what made that front page so notable — because it was so unusual — and I would hope that in the time ahead we see more discussion about this issue in the mainstream media so that we can effect the cultural change that we know is so desperately needed.

That brings me to a matter that has also been raised by other speakers — that is, the issue of gender equality. The issue of gender equality, as we know, is one that fundamentally underpins the issue of family violence. We know it is a root cause — we know it sits at the very heart of it — because if we cannot respect women, if we cannot respect the role of women, if we cannot respect basic equity or equality in our community, then that paves the way for these sorts of injustices to take place each and every day.

I know that while most in this place will appreciate just how serious the issue of family violence is, there are some in this place who are deeply uncomfortable with the notion that gender equality sits at the heart of that issue. There are some people who do not believe that. There are some people who do not want to think about the fact that sexism itself, misogyny itself, paves the way for that kind of violence or creates a culture that leads to a silencing of that reality — a culture that does not talk about these things as loudly as it needs to, as loudly as it should. There are people in this place who do not believe that gender equality is at the heart of this issue, and I know there are many in our community who do not necessarily see that link or do not want to see that link, but many of us — and, I would wager, all women in this place — are used to being treated in certain ways on a day-to-day basis that demonstrate that inequality each and every day of our lives. So frequent is it that often we do not dwell on it or do not always think to call it out as it happens.

As a woman, the process of this royal commission, the recommendations, the multiple budgets worth of investment and this bill before us today have given me cause to reflect in more recent times about those incidents, about those occurrences each and every day. And it has given me the strength, as I know it has many friends and colleagues, to call it out when it happens and to know that by doing so we are contributing to a change in culture.

I had reason to do this recently. For many in this place it would seem like a fairly trivial or small reason to call out the kinds of behaviour that establish this incredibly toxic culture. It came in the form of an email from a man, an email which I subsequently posted on Facebook. I would not typically post correspondence from my constituents, but I decided to in this case. The email was very brief; it was really only one sentence, but it started with the words 'Women ... effin stupid' and ended with the words 'Idiot female'. Basically this man was angry at me for being a woman. He could not contain himself. He may have convinced himself he had another reason to write, but at its heart he hated women and he hated me for being a woman, and that is all it was about.

That, you might think, is a fairly extreme example, but women all over the world are encountering this every day, usually multiple times a day, in various forms, some more extreme than others, but that is the culture, and that culture has paved the way for awful things to happen. This bill before us today is in part about addressing that culture, about setting up institutions that really go to ensuring that we remain vigilant and that this is not something that slips back, that this is not a fad or a trend or something that we just care about in 2018 but that it is something that we continue to care about over time, because we need to continue to care about it, otherwise we are going to see the same depressing and tragic statistics that we have seen over a number of years now, only we will see them get worse. It will not be a woman a week; it will start increasing from that point. We know it already has in different periods over the last few years. It is so important that we remain vigilant on this issue. It is so important that we keep ourselves informed, and that is where Respect Victoria and the role it will play — whether it be in leading research or in the communication and engagement function that it has, which fundamentally leads to cultural change — is so very, very important.

Many of us in this place have spoken about the leaders who have led this piece of work: Fiona Richardson, our current Minister for the Prevention of Family Violence and indeed our Premier and this government. We have been leaders, but we have also responded to the leadership that has been shown out there in the community, and it would be remiss of us not to acknowledge that, and I know others have as well.

The member for Williamstown spoke eloquently about Rosie Batty and the bravery she displayed in the wake of her son's tragic murder, in coming forward and making this issue one of national significance — putting it in the headlines and keeping it there, which is always the challenge. It is the keeping it there that is the

hard part. As he was talking, and I was reflecting on how brave Rosie was and is, I got to thinking about the fact that Rosie was heavily criticised too at the time for doing that. People were almost suspicious of her for doing that. So even then that toxic culture was kind of pervading the way that people responded to a woman who had just suffered the worst tragedy that any mother could imagine, and yet that culture was infecting the way many in the public were perceiving it. There is no greater demonstration of why we need cultural change than that in itself.

As I have said, we encounter these examples each and every day. Family violence is not just an issue that affects people we read about in the newspapers. It affects our families. It affects our friendship circles. I do not think there is a person in this place that has not been personally touched by it. I commend the bill to the house.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — The question is:

That the house now adjourns.

Great Ocean Road Chocolaterie & Ice Creamery

Mr KATOS (South Barwon) (19:00) — (14 737)
My adjournment debate this evening is for the Minister for Roads and Road Safety. The action I seek is for the minister to give permission to the Great Ocean Road Chocolaterie & Ice Creamery to have a sign placed on the Great Ocean Road at the intersection where their business is located. Minister, this great business, situated close to the beginning of the Great Ocean Road, near Bellbrae, is effectively often overlooked for tourism and as an opportunity to highlight our great region due to people simply not being able to find it or missing the turn-off to the business. In speaking with the owners, Leanne and Ian Neeland, I have seen firsthand their passion for the business and the region. However, I have also seen and shared their frustration with the lack of support they have been given since the rejection of their application to VicRoads for extra signage or approval for them to supply their own signage to indicate the turn-off to their business.

Leanne and Ian highlighted to me that this is in stark contrast to the support they receive for their other business in the Yarra Valley. At this site, they inform me, they have received phenomenal support, encouragement and a commonsense approach to signage. This results in not only an excellent business

but also an expanding tourism site, creating more local jobs and stimulating the local economy. To give a comparison, the chocolaterie in Bellbrae is situated on just over 6 hectares on the Great Ocean Road. It opened to great excitement from locals in September 2016 and in its first year welcomed approximately 450 000 visitors. This was actually below the expected amount of visitors, but Ian and Leanne are ones for challenges, and they have worked hard to continue to expand the business. They now employ 90 staff and have invested over \$12 million in the development. However, in their second year they did not see an increase in visitor numbers compared to their Yarra Valley site, which has approximately 800 000 visitors each year.

VicRoads seems to be shifting responsibility but offering no solutions regarding permission for a sign. Because of the historic significance of the Great Ocean Road, VicRoads are not prepared to provide any guidance on where Ian and Leanne should go next, only stating that they need shire planning permission. However, the Surf Coast Shire Council shifts blame back to VicRoads, creating a circle of bureaucratic nonsense and frustration. Perhaps they need an authority to manage the Great Ocean Road, like the one the opposition has recently announced. Minister, can you intervene and immediately give permission to the Great Ocean Road Chocolaterie & Ice Creamery to have a sign placed on the Great Ocean Road at the entry to the intersection where their business and successful tourism hub is located?

Thompsons Road duplication

Ms KILKENNY (Carrum) (19:02) — (14 738) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to join me at Thompsons Road in Carrum Downs to update my community on the progress of the Andrews Labor government's project to duplicate Thompsons Road and our additional plans to remove the dangerous roundabout at Thompsons Road and Frankston-Dandenong Road and replace it with a fully signalised intersection. I look forward to welcoming the minister to Thompsons Road.

Water trading

Ms RYAN (Euroa) (19:03) — (14 739) My adjournment this evening is for the Minister for Water, and I would like to ask the minister tonight to meet with the Victorian Environmental Water Holder (VEWH) and the Commonwealth Environmental Water Holder (CEWH) to brief them on the dire circumstances that are facing agricultural producers in northern Victoria,

with a view to the VEWH and the CEWH trading allocation on the temporary market. The situation in northern Victoria is becoming increasingly difficult. Fodder stores have been depleted by the drought in Queensland and in New South Wales, particularly with governments in those states offering transport subsidies. It is already starting to have an impact on dairy farmers in particular. We have had reports in the last week or so of some people having to send their entire herd to the saleyards, with most of the cattle ending up at the abattoirs. I was at the saleyards in Euroa last week, and it would be safe to say that the mood there among graziers was very tense.

While seasonal conditions across much of Victoria worsen and farmers struggle to feed their livestock due to fodder shortages, people have been very concerned to see that in recent days thousands of megalitres have been flooding the Gunbower forest, and I would encourage the minister to urge the VEWH and the CEWH to be more flexible in their seasonal watering plans. I think everyone else makes adjustments on the basis of seasonal conditions, on water availability and on the price of water, and the environment really should be no different. The VEWH's seasonal watering plan indicates that this is going to continue into spring, and tipping thousands of megalitres to flood the Gunbower forest when conditions across the rest of the country are so dry really is not mimicking natural conditions; in my view it is doing the complete opposite.

In light of the changes to the commonwealth Water Act 2007, the Commonwealth Environmental Water Holder can trade water on the temporary market, and there is a great opportunity for a win-win here.

Ms Neville interjected.

Ms RYAN — Victoria and the commonwealth, as the Minister for Water says, both have the ability under legislation to sell water and to reinvest the proceeds back into environmental measures, and with temporary water trading well above \$300 a megalitre, the proceeds of that water would be quite substantial. This decision needs to occur now before more people make irreversible decisions. By autumn it will be too late. I think extra water on the temporary market would go a long way to alleviating some of the pain being felt by dairy farmers and other livestock farmers in northern Victoria, some of whom now have their livelihoods on the line. In closing, I do want to say how disappointed I am that in recent days the minister said this was 'politicking'. In my view it is a sensible suggestion, and I hope she can see her way clear to supporting it.

Hidden Valley bus services

Ms GREEN (Yan Yean) (19:06) — (14 740) My adjournment manner is to the Minister for Public Transport, and I seek action on behalf of the residents living in the Hidden Valley estate in Wallan who need bus services. I know that Geoff Clarke from the Hidden Valley Association has written to the minister on behalf of the residents — as he has written to me — pleading for bus services for Hidden Valley. Only yesterday I had a tour of the \$15 million Hidden Valley Resort clubhouse, which is just going to be a magnificent drawcard within the estate and will offer local jobs and entertainment. I think that people within the estate will want to know that they can get to the resort, maybe have a glass of wine and get home safely. I also know that people living in the estate would like to be able to get a bus to the shops and to the train station.

The minister is no stranger to Wallan and to Donnybrook. Last year she held a forum to listen to Wallan residents. That forum bore fruit, because immediately after it, in last year's state budget it was announced that Wallan would get new bus services. They have recently rolled out to a number of new estates, but I think that Public Transport Victoria just found it difficult to stretch the budget to include the more sparsely populated areas of Wallan such as Hidden Valley. The minister was also at Donnybrook last week, announcing the next stage of the upgrade of the Donnybrook and Wallan stations, particularly the extension of the inbound platforms at both of those stations as part of the much-needed regional rail upgrade on the Seymour line, which will deliver additional services.

I know that those in Hidden Valley are really crying out for public transport. There are bus services that take students to school, but there is no service for others. I urge the minister to act, and I look forward to a response from her.

Heatherdale railway station

Ms RYALL (Ringwood) (19:08) — (14 741) My adjournment request is to the Minister for Public Transport. The action I seek is for the Minister to instruct the Level Crossing Removal Authority (LXRA) to undertake proper consultation with regard to reinstating the indented pick-up and drop-off zone at Forster Street near Heatherdale station as depicted in the architectural design pictures dated June 2015.

I have previously raised in the house the issue of this drop-off and pick-up zone as an important safety measure, and yet we find that after community

consultation there are contradictions and great concerns, and once again the drop-off point has not been fixed up. I am advised that members of my community recently met with local councillors and engineers from the Whitehorse council, as well as the president of the eastern disabled organisation, and it was agreed that a 2-minute sign that the council has put at this site to try to create a drop-off zone is neither practical nor safe due to the width of the road and the lack of the indent.

The LXRA stakeholder liaison group (SLG) that was established is apparently required to:

... ensure a broad range of community perspectives are considered in project development and delivery; and

provide a community perspective in relation to the development and implementation of the Blackburn and Heatherdale Roads level crossing removal projects.

The Heatherdale Community Action Group does not feel that this has occurred. I am advised that the SLG has claimed that the removal of this zone was discussed at a meeting, yet it is absent from the minutes. In addition, the minutes state that the Heatherdale Community Action Group secretary was present at the meeting; she has advised that this information is incorrect and she could not possibly have been at that meeting. The Heatherdale Community Action Group is extremely upset by inaccuracies in the Level Crossing Removal Authority's claim about community consultation and that the pick-up and drop-off point will not be reinstated.

On behalf of my community, once again I ask the minister to look into the matter and to take their concerns seriously and to instruct that significant consultation occur so that the safety issues, the safety concerns and the needs of the community in being able to drop off and pick up from the western side of the station on Heatherdale Road can actually be addressed.

Kindergarten funding

Ms SPENCE (Yuroke) (19:11) — (14 742) My adjournment matter is for the Minister for Early Childhood Education. The action I seek is that the minister provide me with an update as to how kindergartens in the Yuroke electorate have benefited during this term of government from the Andrews Labor government's minor kinder grants program. As the minister knows, there is a large and growing number of young families in the Yuroke electorate, making access to quality early childhood education a top priority for local residents. The minor kinder grants program is one of the Labor government's initiatives to provide early childhood services with the support they

need to ensure every child gets a great start in life, and I look forward to sharing this information from the minister with Yuroke residents.

Shepparton-Mooroopna bus services

Ms SHEED (Shepparton) (19:12) — (14 743) My adjournment matter is for the Minister for Public Transport, and the action I seek is that she takes all steps necessary to ensure that the government undertakes, as soon as possible, a review of town bus services in the Shepparton-Mooroopna area.

After years of neglect, public transport in the Shepparton electorate is now firmly on the agenda, with \$356 million committed to rail improvements. However, bus services within our region are sorely lacking, with no substantial updates taking place since 2009. Indeed, the last review was in 2006 — more than a decade ago.

Patronage continues to grow on the bus services in our region, with the towns of Shepparton and Mooroopna continuing to grow. There are new housing developments springing up to the north, south and east of Shepparton and of course around the Mooroopna area to the west. Bus services do not extend to these new areas where isolation can be quite a problem for people who do not have a motor car, and it can really raise serious issues.

The City of Greater Shepparton is forecast to grow by 24 per cent over the next 18 years, with the population expected to reach over 83 000 by 2036. With better rail connectivity between Melbourne and Shepparton and many new infrastructure projects underway or about to be thanks to funding for Goulburn Valley Health, the Shepparton Art Museum and the Shepparton education plan, as well as the redevelopments and further work at La Trobe University and GOTAFE, Shepparton is a growing city. There is also growing tourism in the area. I think it is really important that these bus services are configured to provide for that. Currently they only run between 7 o'clock in the morning and 6 o'clock at night, and that is inadequate.

Indeed, an example of that inadequacy is the fact that the first bus service in the morning arrives at the Shepparton railway station 10 minutes after the train to Melbourne leaves. Before that the 5.15 a.m. train has left. So the only two train services that leave Shepparton in the morning have no bus arriving in time for people to actually catch those trains. This is creating problems in terms of the Shepparton railway station car park. Because everyone is using motor vehicles, the car park is becoming congested and overcrowded.

There are some simple solutions. The current timetable does not align with typical work patterns and school patterns and often prevents people making use of the bus services that exist. The frequency of services is limited to about once every hour in that 7.00 a.m. to 6.00 p.m. time frame. It is really important that these services be aligned. Minister, it is my understanding that regional cities like Bendigo and Ballarat and towns in the Latrobe Valley have had full reviews of their bus services in recent years, so it is time that Shepparton and Mooroopna had a go too.

Macedon electorate public transport

Ms THOMAS (Macedon) (19:15) — (14 744) The matter I wish to raise is for the attention of the Minister for Public Transport, and the action I seek is that the minister work with my community to deliver better bus services and better connections to rail services for my constituents in Romsey and Lancefield.

Last year we provided important changes to the bus timetable to deliver better connections for students and commuters travelling to Sunbury and Melbourne. We also delivered 27 additional train services from Clarkefield station, while car parking and security upgrades at the station are due to start shortly. However, having met with Romsey transport advocates Therese Murphy and Samantha Boswell earlier this week, it is clear there is still more work to do to ensure public transport is responsive to the needs of this growing community. Both Lancefield and Romsey are popular destinations for young families looking to buy a home in a beautiful location. That is why we have made significant investments in these towns, including \$3.2 million for the Romsey Primary School regeneration project; almost half a million in upgrades at Romsey Kindergarten; a new school crossing at St Mary's Primary School in Lancefield; funding to deliver a safer intersection at Barry Street in Romsey; pedestrian crossings on Main Street, Romsey; \$20 million for a safety upgrade of Melbourne–Lancefield Road; and of course the \$1.25 million upgrade at Lancefield Park, which has delivered a skate park, playground, better netball and tennis facilities, change rooms for girls and big improvements to the main oval.

But Labor governments understand that there is always more work to do to meet the needs of regional communities, so I look forward to working with the minister, the community and Transport for Victoria to deliver better bus services and transport connections for the people of Romsey and Lancefield.

Miners Rest school bus service

Ms STALEY (Ripon) (19:17) — (14 745) My adjournment matter tonight is for the Minister for Public Transport and is also in relation to bus services. The action that I seek is that she intervene to fix the multiple school bus issues facing Miners Rest families. These include the overcrowding of the 3.25 p.m. bus from Ballarat High School — that bus is incredibly overcrowded — the lack of correct count on that bus due to timetable issues; and the possible removal of the CDC bus. That is the bus that leaves Miners Rest Primary School at 7.57 a.m. and returns at 4.25 p.m. Parents have been told that they cannot book their children onto this bus next year because it will not be running. If the bus does not run, there will be a number of issues, particularly in relation to private school students who currently catch the bus. It will require Loreto College girls to walk to the high school in Ballarat's weather. The St Patrick's College boys will not be able to get home at all if that bus is removed.

Another thing on my long list of problems with the Miners Rest bus services is the lack of a bus going directly from Miners Rest to the Mount Rowan campus of Ballarat Secondary College. Mount Rowan is the school that is now zoned for Miners Rest, but there is no bus that goes from Miners Rest to Mount Rowan.

I have raised issues in relation to these buses twice before. I asked the Minister for Public Transport specifically to increase the size of the 3.25 p.m. bus. She came back and said that that was not going to happen but that there was a second service. Well, the second service does not deal with the issue of overcrowding on the first service because they are not even counting how many students are on that first bus. I would ask her to pay particular attention to that.

I also asked about what is now known as the CDC bus. This was previously a Trotters bus and this year they made it a CDC bus. These parents need certainty. Their children are currently going to schools in Ballarat but the bus service is being removed and they cannot book onto it. It is time that this Labor government actually took seriously the needs of children in Miners Rest instead of continually refusing to look at these issues.

McKinnon Secondary College

Mr STAIKOS (Bentleigh) (19:20) — (14 746) My adjournment matter is for the attention of the Premier, and the action I seek is that he visit McKinnon Secondary College to officially open the brand-new three-storey, \$9 million Victorian certificate of education (VCE) study centre. McKinnon Secondary

College is the biggest school in my electorate. It currently has 2200 students. That is a very big school by any measure. It is simply bursting at the seams. It has only ever been Labor governments that have invested in it. You would have to go back a very long way, to the days of Sir Henry Bolte, to find a Liberal government that invested in new buildings at McKinnon Secondary College.

In this term of government we have built the VCE centre, as promised at the last election, and we have also just appointed an architect to design and plan a brand-new campus to cope with the growth that we know will be coming to McKinnon Secondary College. I would very much appreciate it, as would my local community, if the Premier visited our local area and officially opened what is a magnificent building.

Responses

Ms NEVILLE (Minister for Water) (19:21) — I thank the member for Euroa for raising an important issue. I get pretty much a daily briefing on both rainfall and in-fall levels right across the state and I am currently tracking areas of Victoria where we may have particular issues in relation to water security entitlements. As the member would know, we have a very strict and strong entitlement system in Victoria in terms of water allocations. This includes the Victorian Environmental Water Holder (VEWH) and of course the commonwealth environmental water holder, particularly under the Murray-Darling Basin agreement. In Victoria we have had a very longstanding practice where the VEWH is able to trade water on the temporary water market. The commonwealth involvement is a relatively recent change.

If the member had a look at some of the recent reporting and annual reports of the VEWH, she would note that the VEWH in fact trades significant water into the temporary water market every year. She would also note that when entitlement allocations are reduced to any primary industry and any other water entitlement holders, so too are the VEWH water allocations. I am not sure yet whether the commonwealth environmental water holder has traded much, if any, water into the market. I certainly will take that matter up with the federal Minister for Agriculture and Water Resources because the idea was absolutely to provide that flexibility, and we welcome that change in the legislation.

In relation to the VEWH, it has the capacity to look at seasonal allocations and decisions, and it is a balance all the time. If you have a look at the Gunbower decision, some of that is Living Murray entitlements. It

is a requirement under various funding agreements that that water goes back into Living Murray allocations, and Gunbower is one of those. But certainly in terms of getting the balance right between irrigators and also ensuring quality water can be delivered down the Murray, as the member would know, there are a number of areas in which people take water directly from the Murray so we need to make sure that we have quality water going down the Murray as well, and environmental water has a significant role to play in that. So this is about a balance. I will continue to monitor that. I will write to the federal minister about the commonwealth environmental water holder and I will ensure that the VEWH is also looking at increasing opportunities to trade in the temporary market, which they have done certainly over the whole time I have been the minister.

A number of members have raised a number of issues with ministers. One I would just point out, the member for Ripon's matter, I am not sure is an issue for the Minister for Public Transport but rather the Minister for Education. But I will get advice and make sure that the right ministers get those issues raised by different members.

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

House adjourned 7.24 p.m.