

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 17 March 2015

(Extract from book 4)

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

By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment	The Hon. J. Allan, MP
Minister for Industry, and Minister for Energy and Resources	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 Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Small Business, Innovation and Trade	The Hon. A. Somyurek, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

Legislative Council committees

Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Joint committees

Environment and Natural Resources Committee — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Battin, Ms Halfpenny, Mr McCurdy, Mr Richardson and Ms Ward.

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

Acting Presidents: Ms Dunn, Mr Eideh, Mr Elasmarr, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

Deputy Leader of the Government:
The Hon. J. L. PULFORD

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:
The Hon. D. K. DRUM

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	Mulino, Mr Daniel	Eastern Victoria	ALP
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFP

¹ Resigned 25 February 2015

PARTY ABBREVIATIONS

ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals;
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs

CONTENTS

TUESDAY, 17 MARCH 2015

ROYAL ASSENT.....	483	<i>Member for Gippsland South</i>	500
RULINGS BY THE CHAIR		CEMETERIES AND CREMATORIA AMENDMENT (VETERANS REFORM) BILL 2015	
<i>Sessional orders</i>	483	<i>Second reading</i>	501
<i>Questions without notice written responses</i>	489	<i>Third reading</i>	510
QUESTIONS WITHOUT NOTICE		BACK TO WORK BILL 2014	
<i>Duck season</i>	484, 485	<i>Council's amendment and Assembly's</i> <i>amendments</i>	510
<i>Ministerial code of conduct</i>	485, 486	SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2015	
<i>Public holidays</i>	486, 487	<i>Second reading</i>	513
<i>Early childhood funding</i>	487, 488	<i>Committee</i>	534
<i>Pest animals</i>	488	ADJOURNMENT	
<i>Western Victoria rail services</i>	489	<i>Shepparton rail services</i>	540
DISTINGUISHED VISITORS.....	485	<i>Portland National School building</i>	541
QUESTIONS ON NOTICE		<i>Corrections advisory committees</i>	541
<i>Answers</i>	489	<i>Royal Commission into Family Violence</i>	541
CONSTITUENCY QUESTIONS		<i>Methamphetamine control</i>	542
<i>Northern Victoria Region</i>	490	<i>Ice Action Plan</i>	542
<i>Western Victoria Region</i>	490, 491	<i>Family violence</i>	543
<i>South Eastern Metropolitan Region</i>	490	<i>Mooroolbark East Primary School</i>	543
<i>Northern Metropolitan Region</i>	490	<i>Sunbury municipality</i>	544
<i>Eastern Metropolitan Region</i>	491	<i>Responses</i>	544
<i>Western Metropolitan Region</i>	491	WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE	
<i>Eastern Victoria Region</i>	492	<i>Murray Basin rail project</i>	546
PETITIONS		<i>Public holidays</i>	546, 548
<i>Caulfield Racecourse Reserve</i>	492	<i>Vocational education and training</i>	546, 547
PROCEDURE COMMITTEE		<i>Hird Swamp game reserve</i>	547, 548
<i>Sessional orders</i>	492		
<i>Reporting date</i>	495		
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE			
<i>Alert Digest No. 2</i>	492		
PAPERS	492		
BUDGET SECTOR			
<i>Midyear financial report 2014–15</i>	493		
PRODUCTION OF DOCUMENTS	493		
NOTICES OF MOTION.....	494		
BUSINESS OF THE HOUSE			
<i>Sessional orders</i>	495		
<i>General business</i>	495		
MINISTERS STATEMENTS			
<i>Foster carers</i>	496		
MEMBERS STATEMENTS			
<i>Australian Lebanese Medical Association</i>	496		
<i>Fruit fly</i>	496		
<i>Holi festival</i>	497		
<i>Dr Mary Glowrey</i>	497		
<i>Delma Clapp and Rosemary Malone</i>	497		
<i>H30 Challenge</i>	498		
<i>Cyclist safety</i>	498		
<i>Cultural Diversity Week</i>	498		
<i>Doug Ralph</i>	499		
<i>Australian Bosnian Islamic Centre</i>	499		
<i>Government performance</i>	499		
<i>Northern Victoria Region schools</i>	500		
<i>Western Health</i>	500		
<i>Indonesian death penalty</i>	500		

Tuesday, 17 March 2015

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 10 March to:

**Education and Training Reform Amendment
(Funding of Non-Government Schools) Act 2014
Wrongs Amendment (Asbestos Related Claims)
Act 2014.**

RULINGS BY THE CHAIR

Sessional orders

The PRESIDENT — Order! I wish to make a short statement about matters arising from the new sessional orders, which will also serve to address many of the points of order that were raised by members on the last sitting Thursday. Because we are working with the new sessional orders and the Procedure Committee is giving consideration to those sessional orders and how they operate in the house, in making this statement I am trying to cut down on unnecessary points of order by providing a better understanding of our expectations of the sessional orders. This statement should not be seen as pre-empting any outcome that may flow from the Procedure Committee review of sessional orders and other matters.

In relation to questions without notice and directions from the Chair that written answers be provided, I remind the house of what I said on 24 February in relation to what might be considered an unresponsive answer to a question without notice, and that related to an answer that is not direct, factual, succinct and relevant, which are criteria expressly listed by sessional order 5; an answer taken on notice, either wholly or in part; or a failure to provide any answer at all.

I indicate at this point that my judgement will not be based on what answer might satisfy a member or what might be seen as a complete answer. As Presiding Officer I am not in a position to direct a minister as to how they should answer a question. We are certainly providing guidance with templates, but I will not direct a minister on how they should answer a question. That is not within my power, and I certainly do not want to pursue an answer on the basis of what might satisfy a member. My criteria are simply those laid down in the sessional orders, which are that an answer be direct, factual, succinct and relevant.

I also advised members that there is an increased onus on them to be succinct and factual in their questions if I am to enforce the rule that a minister's answer is to be responsive. Having reviewed the operation of this procedure in its first week, I am satisfied that I have appropriately applied the criteria of answers in respect of needing to be direct, factual, succinct and relevant. However, I do think that more latitude needs to be given to ministers who are asked questions in their capacity as ministers representing ministers in another place.

It is my view that it is not reasonable to require a written answer by 11.45 a.m. on the next day of meeting in respect of questions directed to a minister in another place by a minister in this place unless the question is asked on a Thursday, in which case the answer is provided in a subsequent week. The sessional order does not provide me with an alternative period of time in which to require a written answer to be given by a minister in another place, so instead I will use my discretion to determine whether an answer is responsive by taking into account whether a question is directed to a minister representing a minister in another place. I seek the cooperation of those ministers in bringing the answer to the member but, as I said, with some respect for time frames.

I also wish to clarify a misconception of past practice that I have heard stated in recent weeks, which is that ministers representing ministers in the other place have not had to answer questions without notice in the past. The fact is that in the past the Chair could not direct any minister to answer a question, whether in relation to their specific portfolio or in representing another minister. If a minister chose to answer a question in the past, the only requirements were that they not debate the answer and that the answer be apposite to the question.

I now move onto issues that have arisen in relation to written answers to questions which the Chair determines have not been responsive. There is little time for a minister and their staff to prepare a written answer to a question asked on a Tuesday or Wednesday, which is due by 11.45 the next morning — and this is a matter that the Procedure Committee has been considering. I remind members asking questions and supplementary questions that they can assist this process by handing the written question, where it is written, to the attendants who will provide a copy to both Hansard and the minister.

Discussions have also been held with Hansard. They have confirmed that they make copies of proofs available online at the very earliest opportunity and,

where required, can provide a proof to a minister's staff member upon request and delegation by the minister. However, I indicate that neither the Speaker nor I will entertain any faster process that compromises the accuracy required of a *Hansard* proof.

Copies of templates for answers to be used by ministers and their departments have been developed by Hansard and the Assembly and Council staff and are available on the website in the Council section.

I indicated to the house that answers made would be printed in *Daily Hansard*. However, it has come to pass that answers are not printed until the weekly *Hansard* is published. But as soon as an answer is received, even if on a non-sitting day, the Clerk will provide a copy of the answer to the member who asked the question. A copy of that answer will not be sent to other members, but the member who receives the answer is free to do whatever they wish with that answer. The answer does not form part of the official record or papers of the house, but is simply incorporated in the weekly *Hansard* record.

Written answers are required by the sessional order to be lodged with the Clerk and this should be done by the table office, whether in hard copy or by email. The 11.45 a.m. deadline for answers also makes it difficult for the Chair to determine the adequacy of a written response by the time question time commences at midday on a Wednesday or Thursday. I will continue to do my best to review answers as soon as they are received and transmitted to me by the Clerk, but I indicate that there may well be times when because of multiple written answers having been received I may not be in a position to make any ruling during question time or to respond to points of order in relation to those written answers.

In respect of constituency questions, the new procedure of members asking constituency questions appeared to operate reasonably well. Similar to written responses to questions, staff of the Parliament have worked on a template for answers to those constituency questions to be used by ministers and departments, which again may be found on the Council section of the website.

With regard to ministers statements, the procedure for ministers statements was subject to many, if not excessive, points of order at our last meeting. I accept that some testing of new procedures will result in an initial period of many points of order. However, I remind members that I did not uphold most of those points of order, challenging whether statements were in order according to the criteria that are set out quite clearly in the sessional order. Members should

therefore be gaining a better understanding of how the Chair interprets this procedure, and I caution members to use points of order reasonably in this regard.

QUESTIONS WITHOUT NOTICE

Duck season

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Agriculture, Ms Pulford. The minister has received representations about the presence of threatened bird species on wetlands in Victoria — at Lake Murphy, the presence of freckled ducks, and at Bullrush Swamp, near Hamilton, the presence of a large number of broilgas that have regularly been using the wetland. Having received those representations, is the minister willing to have those wetlands closed to hunting during the duck hunting season which starts this Saturday?

Ms PULFORD (Minister for Agriculture) — I thank the member for his question. The Andrews government supports responsible and sustainable hunting. As I have indicated in answers on this topic on previous occasions, this is something on which there are quite divergent views in the community. This issue is unlikely to ever be fully agreed on by the people who would in all circumstances oppose duck hunting and those who like to participate in what is a lawful activity.

Duck season, as Mr Barber indicated, will commence this weekend — on Saturday morning — and will run until 8 June. The arrangements for duck season this year are based on advice to me from the Game Management Authority. The decisions are formally approved by me in partnership with the Minister for Environment, Climate Change and Water, Ms Neville.

On the question of some recent advice I have received around specific areas where wetlands will be closed to hunting for the 2015 season, Kow Swamp and Reedy Lakes have been reaffirmed as wildlife sanctuaries and Round Lake has been closed to protect threatened species — that is, blue-billed ducks and freckled ducks. Krause Swamp is closed to provide refuge to broilgas as the dry conditions have resulted in only a limited habitat. The nearby Lake Bullrush will remain open.

Supplementary question

Mr BARBER (Northern Metropolitan) — Krause Swamp has no water on it and therefore cannot be a refuge for broilgas. I have visited it personally. Bullrush Swamp is a small wetland which is the size of a couple of football fields, and it is the only wetland in that area with any water in it. Not surprisingly it has large

numbers of birds on it of both protected and what some might characterise as game species. The proposition is that hunters will surround this wetland and a bit before sunrise start blasting away with 47 brolgas standing on it, representing about 10 per cent of Victoria's broлга population, a bird described as threatened on the government's website. Is that a responsible and sustainable method of running duck season, and will the minister take action accordingly?

Ms PULFORD (Minister for Agriculture) — The decisions that govern duck season for 2015 are based on advice from the Game Management Authority. I gather there is no kind of duck season that would be acceptable to Mr Barber, but I make the point that the overwhelming majority of people who participate in duck season do so in a responsible way.

There are arrangements in place to support the opening of duck season. There will be a considerable presence from Parks Victoria staff, Victoria Police, the Department of Environment, Land, Water and Planning and the Department of Economic Development, Jobs, Transport and Resources to support the safe commencement of the season. Duck hunters avail themselves of the information they need to support a safe and sustainable season, and I expect that this year will be much the same as others in that respect. Those who do like to participate in duck hunting have an interest in the sustainability of their preferred activity.

Duck season

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Agriculture. In relation to Lake Murphy and Bullrush Swamp, is the minister saying that departmental staff will be present there both to advise hunters of the presence of these protected species at those particular two wetlands but also to ensure that there is no shooting of protected species?

Ms PULFORD (Minister for Agriculture) — I say to Mr Barber that of course the arrangements protect protected species from being a target in duck season. The arrangements that we have in place are about ensuring a safe and sustainable season for those who wish to participate. There will be a strong presence from officials to ensure that arrangements are in keeping with the restrictions on the season.

Supplementary question

Mr BARBER (Northern Metropolitan) — The minister was not able to answer in the positive that departmental staff will be present at these two particular

wetlands, and therefore I ask: will the minister direct her staff to be present at these two particular wetlands?

Ms PULFORD (Minister for Agriculture) — On the question of the expected presence of the very large number of multi-agency staff who will be there in support of the opening this weekend, in relation to Lake Murphy and Bullrush Swamp I will take that question on notice and provide the member with an answer.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to introduce to the house and welcome to the house the Ambassador to Australia representing the Latvian republic, Mr Andris Teikmanis, and the Consul General representing Latvia in Victoria, Mr Janis Roberts Delins. We welcome them both to the proceedings of the Legislative Council today.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Ministerial code of conduct

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Special Minister of State. Does the ministerial code of conduct for ministers and ministerial staff, introduced in 2011, remain in force?

Mr JENNINGS (Special Minister of State) — I thank Mr Rich-Phillips for his question. As the Premier has already indicated in question time in the other place today, there have been no changes in relation to ministerial codes of conduct. The Premier was subjected to a couple of questions on this matter, and the Premier made it very clear that there is no change to the arrangements that relate to ministerial codes of conduct in relation to cabinet processes or in relation to the obligations that are undertaken within the Parliament in relation to obligations that members of Parliament have to the Parliament relating to their interests.

I am not quite sure whether the arrangements that were in place were referred to as being up on the Department of Premier and Cabinet (DPC) website or on the previous Premier's website, but they were referred to. As I understand it, the code of conduct may have been on the previous Premier's website. It certainly was not on the DPC website, so the incoming government did not have in place a direction to DPC in relation to the availability of that material.

The Premier and I will take advice from the Department of Premier and Cabinet about the ongoing appropriate arrangements around the code of conduct, but there is nothing that this government is running away from in relation to expectations — —

An honourable member interjected.

Mr JENNINGS — President, through you in response to the interjection, I do not think the member who is busy on his keyboard has actually taken notice of what I have said. The Premier has said and I have said that there have been no changes to the arrangements that were in place under the previous administration.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer and his assurance that arrangements around ministerial accountability have not changed. Given that that code of conduct is no longer publicly available and is not available through the DPC website — and I heard Mr Jennings’s comments around discussions with DPC — will Mr Jennings give an assurance that that code of conduct will be publicly available through our government website?

Mr JENNINGS (Special Minister of State) — President, you would understand that this is a matter that I take extremely seriously. I have already indicated that it is the government’s intention to comply with appropriate codes of conduct, with cabinet processes and with our obligations to the Parliament, and that will remain. In terms of where that may be published and in what time frame, I am happy to have conversations with the Premier and the rest of my cabinet colleagues and refer the matter back to the Parliament at a later point in time.

Public holidays

Mr DRUM (Northern Victoria) — My question is to the Minister for Small Business, Innovation and Trade. I refer the minister to comments from the chair of Mildura city, Kirsten Lloyd, who has canvassed other traders in the CBD about the proposed grand final eve public holiday. The response of all those canvassed was extremely negative. Local retailers have expressed concern about having to shut up shop or pay workers penalty rates just so that Melbourne families can attend the parade in the city. Ms Lloyd is quoted as saying:

It does have a negative impact on traders ...

From a holiday perspective everyone likes a long weekend but these are difficult times ...

Can the minister name the chambers of commerce or business associations in regional Victoria that he has consulted with that are in support of the grand final eve public holiday?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I was not the shadow minister for small business, but what I can say is that there was a consultation, and it is called the general election.

Mr Drum — On a point of order, President, my question was extremely narrow in asking the minister whether he can name any chamber of commerce in regional Victoria or any business association that he has spoken to that is in support of this grand final eve public holiday.

The PRESIDENT — Order! Mr Somyurek, do you wish to comment on that?

Mr SOMYUREK — No.

Supplementary question

Mr DRUM (Northern Victoria) — I thank the minister for that answer. I want to know whether the minister has considered, as has been done for the Melbourne Cup holiday, allowing substitute public holidays for regional shires that have no connection to the grand final?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — That is not on the agenda at the moment. That is not what the commitment was about.

Public holidays

Ms FITZHERBERT (Southern Metropolitan) — My question is also to the Minister for Small Business, Innovation and Trade. At a recent industry forum a survey was taken of 230 small businesses in the tourism sector as to whether they thought your public holidays were good for Victorian tourism and business. I have to report that only three people thought they might be. My question is: what advice has the minister received from his department which suggests that he and the Labor government are correct, and the leading minds and operators of Victoria’s small business and tourism sectors are wrong?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I would like to thank the member for her question. The advice I have received from my department is for us to wait for the regulatory impact statement process. The regulatory impact

statement process will determine the costs and benefits of these public holidays.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) — I refer the minister to his consultation certificate — which was tabled by him in this house on 24 February — for the 2015 Easter Sunday public holiday, and I ask: why did the minister or the government not consult with any small business or association in Victoria’s tourism sector prior to gazetting the Easter Sunday public holiday?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — The people who were consulted were from peak bodies. That was the instruction, to consult the peak bodies.

Honourable members interjecting.

Mr SOMYUREK — Okay; let me clarify that. My instruction to the department was to consult with peak bodies, including small business people.

Public holidays

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Minister for Small Business, Innovation and Trade. I refer the minister to the *Victorian Guide to Regulation*, which was updated in December 2014 and which states:

As part of the policy development process, it needs to be clear that the costs of any regulatory intervention — no matter how small the burden imposed may appear — are at least offset by the benefits to society.

I therefore ask: of the three direct benefits listed under the ‘Characteristics of good regulation’ table on page 21 of the guide, which one do the minister’s Easter Sunday and grand final eve public holidays fall under?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — The Easter Sunday and grand final public holidays were an election commitment. I have said that before in this place. We are not going back on that commitment. I have said before — and forgive me for saying again — that we do not break our election commitments.

We are gazetting these public holidays because it is in the public interest to do so. It both gives certainty to business owners and provides certainty to employees.

An honourable member — Where is the RIS?

Mr SOMYUREK — The regulatory impact statement (RIS) will be available. By midyear the RIS will be completed.

Honourable members interjecting.

Mr SOMYUREK — Yes. The reason for doing a RIS is that we are legislatively required to do so. That is why we are doing the RIS.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I thank the minister for his response, but given that not one of the three direct benefits outlined in the ‘Characteristics of good regulation’ table relates to the public holidays, why has the minister already gazetted the Easter Sunday holiday and the plan for the grand final eve holiday, both of which have no characteristics of Daniel Andrews’s own good regulation guide?

Mr SOMYUREK (Minister for Small Business, Innovation and Trade) — I will try to be clearer. This was an election commitment. Gazetting these public holidays provides certainty to Victorian small businesses, to employees and to the Victorian public. In order for us to gazette them we need to go through a RIS process. It is a legislative requirement. That is exactly what we are doing.

Early childhood funding

Ms LOVELL (Northern Victoria) — My question is to the Minister for Families and Children. Applicants for funding under the national occasional care program were to be notified of the success of their application early this year. Successful applicants for phase 1 were to be notified in January, and service provision was to start immediately. For phase 2, service provision was to begin in April, which is now only two weeks away. The department has said that recommendations have been sent to the minister and the department is waiting on the minister’s response. One service has notified me that without certainty of funding they will have to close at the end of this term. I ask: why is the minister sitting on these recommendations, which is causing uncertainty for families and service providers?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question and her new-found interest in occasional child care, an important service for Victorian families and children. The member was, of course, the former minister who scrapped the funding for the Take a Break occasional childcare program, a cut which had a devastating effect on occasional child care in Victoria. We had

13 services cease their occasional program, 74 increase their fees, and 17 — —

Ms Wooldridge — On a point of order, President, the minister is referring back to the previous government. That is not relevant to the question that was asked. It is also debating the question. I ask you to return her to the question.

The PRESIDENT — Order! At this stage, the minister is entitled to contextualise her answer. I do not believe she has yet transgressed that with what we would understand to be a debating position.

Ms Lovell — Further on the point of order, President, I asked about a program that was initiated only in October. It was signed off by the former government, and it is a new program. It did not exist at the time the minister is referring to.

An honourable member interjected.

The PRESIDENT — Order! The minister does indeed have 3 minutes and 26 seconds to go.

Ms MIKAKOS — I know members opposite wish to completely forget about the history of the last four years and their track record on a number of issues which have had a devastating impact on Victorian families, but I welcome their interest in this issue because — —

Ms Lovell interjected.

Ms MIKAKOS — I welcome the member's interest in this issue because I know the member has been speaking to a regional office of the department. What she does not understand is that, yes, I have signed off on grants and they are ready to roll across Victoria, but the problem is in fact her federal colleagues in Canberra. The problem here is that I have written — —

Ms Lovell interjected.

Ms MIKAKOS — The member does not understand that we are waiting on the Abbott government. We know of late they have been a little bit distracted by other matters. We are waiting on them to sign the final agreement for the national occasional care program, so we are facing a situation where Victorian families are waiting for support for occasional child care because of Liberal neglect. If the member has an interest in this issue, she can follow up with her colleague Mr Morrison and call the federal minister, because I have written to him on this issue and am yet to receive a response. The member should call up her federal Liberal colleague and urge him to respond to me

quickly so I can give the go-ahead to my department and get this money out to Victorian centres that are waiting on this funding.

Supplementary question

Ms LOVELL (Northern Victoria) — Given that the announcement has not been made, the minister has failed Victorian families and she has failed service providers. The federal government had signed off on this program last year. It had funded it in last year's budget. Will the minister now take responsibility for her failure and prioritise approving these grants?

Ms MIKAKOS (Minister for Families and Children) — Clearly the member was not listening to anything I just said. As I explained, we are waiting on the federal minister, Mr Morrison, to sign off on the national agreement so we can actually provide the certainty and get the money out. It is in fact her federal colleagues who are holding things up. If she has an interest in this matter, she should get on the telephone and call Mr Morrison's office today — I urge her to do that — and let us get this out. I have written to Minister Morrison, and I am yet to receive a response. We know that the Liberal Party in Canberra is in complete disarray and Mr Morrison is busy getting the numbers for the prime ministership. I would urge him to get on with it and sign up to this agreement now.

Pest animals

Mr YOUNG (Northern Victoria) — My question is to the Minister for Agriculture, Ms Pulford. We have seen many pest and feral management programs implemented in the past and in a variety of areas, such as national parks, state forests and state game reserves. Currently it is not legal to hunt state game reserves for pest and feral species, but hunting game species during the seasons is allowed. Given that expensive programs are run in these reserves to combat pest and feral species, would it not be financially viable to allow recreational hunters to contribute to the reduction of these invasive animals?

Ms PULFORD (Minister for Agriculture) — I thank the member for his question. Pest animals, like rabbits, foxes, wild dogs, goats and wild pigs are a significant problem for regional communities, farming families and our natural environment. Hunting pest animals has always been a popular endeavour in Victoria and is a very important measure the community uses to reduce the impact of pests. The Game Management Authority estimates that game hunters contribute around \$60 million to our economy by hunting pests. Pests can be hunted on private land

with the permission of the owner and in state forests, but not in game reserves as only game animals can be hunted in game reserves.

The member poses an interesting question. This is something that I am happy to give further consideration to. There are more than 1 million foxes in Victoria — these are the estimated numbers — and they cannot read the signs on the fences indicating whether it is private land and public land. I thank the member for his suggestion on this occasion.

Western Victoria rail services

Mr PURCELL (Western Victoria) — My question is to the Minister for Regional Development representing the Minister for Public Transport and relates to the lack of adequate public rail service in western Victoria. We congratulate the Premier on this month's announcement that five new metro trains will be built at Ballarat's Alstom train factory. However, it is disappointing that none of these trains will end up helping the overcrowded and antiquated rail network in western Victoria. My question to the minister is: what plans are in place to improve and increase the rail service to Colac, Camperdown and Warrnambool?

Ms PULFORD (Minister for Regional Development) — I thank Mr Purcell for his question. As that matter is one that comes under the responsibility of Ms Allan, I will refer that to Minister Allan for an answer to be provided.

Supplementary question

Mr PURCELL (Western Victoria) — Eight councils in the northern section of western Victoria — Southern Grampians, Glenelg, Ararat, Northern Grampians, Horsham, West Wimmera, Hindmarsh and Yarriambiack — are all eager to contribute to a feasibility study on extending the passenger rail service to Hamilton and Portland. I ask the minister if the department is willing to assist these councils in their bid to improve public transport in those municipalities.

Ms PULFORD (Minister for Regional Development) — Could I just seek a clarification from the member? Is that a question to me in my capacity as Minister for Regional Development or to the Minister for Public Transport, Ms Allan? I am familiar with the issue that the member raises.

The PRESIDENT — Order! From the Chair's point of view, in order to qualify a supplementary question it would need to have the same destination as the substantive question, so it needs to be a question for Minister Allan as a supplementary question.

Ms PULFORD — I thank Mr Purcell for his further question on this matter, and I will seek an answer from Minister Allan for him.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have answers to the following questions on notice: 19–28, 31–33, 35, 37, 40–48, 50–54, 56–67, 70–72, 74, 76, 79–87, 89, 90–93, 95–106, 109–111, 113, 115, 118–126, 128–132, 134–145, 148–150, 152, 154, 157–165, 167–171, 173–184, 187–189, 191, 193, 196–204, 206–210, 212–223, 226–228, 230, 232, 235–243, 245–249, 251–262, 265–267, 269, 271, 274–282, 284–288, 290–301, 304–306, 308, 310, 315–321, 323–327, 329–340, 343–345, 347, 349, 352–360, 362–366, 368–379, 381–384, 386–388, 390, 392, 395–403, 405–409, 411–413, 444, 446, 455–457, 466, 467.

RULINGS BY THE CHAIR

Questions without notice written responses

The PRESIDENT — Order! In respect of the questions asked today, Ms Pulford has indicated that she will provide some further written comment to Mr Barber in respect of a supplementary question he asked after his second question today. Ms Pulford has also indicated that she will ask her colleague the Minister for Public Transport for responses to the substantive and supplementary questions posed by Mr Purcell.

In respect of the answers to come from Minister Allan, I hope they might be brought back within, say, a 48-hour time frame. If it is possible to deliver them tomorrow, that would be tremendous and certainly helpful to the house, but otherwise if they could be brought back within 48 hours, then I certainly think that is a reasonable time frame for a minister in another house. That is the sort of discretion, in the absence of a determination by the Procedure Committee at this point, that I would tend to apply in respect of these matters.

I indicate that I am a little concerned about one answer today. By and large, the answers given by ministers to questions met all of the criteria. The one that troubled me a little was the initial response of Mr Somyurek to Mr Drum's question in respect of consultation with associations throughout Victoria. I am not sure the answer actually satisfied Mr Drum's question. However, I will look at *Hansard* and determine

whether or not it will be necessary to explore that further.

I want to emphasise to members that it is not my intention to judge answers to questions on whether or not a member is necessarily satisfied by the answer or whether or not the answer is even a complete answer. As long as it is apposite to the question and is direct, succinct and factual in particular, then obviously it meets the criteria set out in the sessional orders — they are the rules I will apply. I will have a look at that particular question as to whether or not it is a matter of concern. I have also referred to the Government Whip one other answer just to make sure we are clear that the answer given today is consistent with previous answers in one respect. If there are any concerns or questions about what I have raised, I ask Mr Somyurek to not hesitate to talk to me about that.

I thank Mr Jennings for the answers to questions on notice.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question to the Minister for Environment, Climate Change and Water is in regard to the termination of residential firewood collection in Barmah National Park in June 2015. My electorate office has been contacted by residents in Nathalia and Barmah, who advise that this will have a serious negative effect on the region as electricity, bottled gas and transporting firewood from other locations are cost prohibitive. The residents also advise that the best alternative would be natural gas. However, there is significant doubt that Labor will deliver on the former government's commitment to connect natural gas to the area.

In the town of Barmah it is reported that up to 70 per cent of the town's 200 residents as well as the local pub rely on firewood as their primary heating source. I ask: can the minister advise what action the government will take to assist local residents who will be negatively impacted by the termination of firewood collection in the park?

Western Victoria Region

Ms TIERNEY (Western Victoria) — On Friday, 29 February, I was one amongst many who opened the Bunjil lookout at Maude in my electorate. Many, many hours of work have been put into this project by Maude and Steiglitz community members, and significant money was contributed by local and state governments.

It is a wonderful local cultural asset and tourist area of interest, but unless you know where it is there is no way of knowing where it is. To maximise usage and knowledge of our Indigenous culture, I ask the Minister for Roads and Road Safety to indicate how signage can be introduced so that this new great asset can be visited by all.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — The question I would like to ask is of the Minister for Local Government. The question is in relation to concerns that have been raised with me by local councillors across municipalities of the South Eastern Metropolitan Region in relation to the impact of the additional public holidays on the bottom line of local government costs, in particular the cost of providing services on weekends for community festivals and special events such as Ironman, which is coming up next weekend.

I ask the minister to advise what information he has about the impact of the new government policy on the costs of local government in the South Eastern Metropolitan Region, in particular in the cities of Frankston, Kingston, Greater Dandenong, Casey, Monash, Glen Eira and Knox.

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My question is to the minister representing the Minister for Education, Mr Herbert. The Fairness in Religions in School (FIRIS) organisation has been lobbying to reduce the influence of evangelical elements getting access to government primary schools via the special religious instruction (SRI) program — organisations such as ACCESS ministries.

FIRIS has used freedom of information to get education department statistics on the number of schools providing SRI in Victoria and the number of children doing SRI within those schools. The organisation asked for the 2013 and 2014 data via an FOI request and was provided with data in August 2014. It was, however, only provided with 2013 data, with a promise under the same request to furnish the 2014 data when it became available, but this has not occurred. This has been despite numerous requests made to and commitments from that department.

Can the minister advise when he can supply that 2014 data to my office and FIRIS and also advise how much money ACCESS ministries has been granted for 2015 to provide SRI in schools?

The PRESIDENT — Order! That question actually went over the time frame, but we are all learning.

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — Indeed, President, we are all learning. My constituency question is directed to the Minister for Roads and Road Safety, Luke Donnellan. I recently had a conversation with the mayor of Maroondah City Council and his chief of staff about the priorities, as they see them, for the roads that fall inside the boundaries of that municipality. I ask the minister to make himself available for a direct conversation with that council so it can advocate its priorities directly to him.

Western Victoria Region

Mr RAMSAY (Western Victoria) — My matter is for the Minister for Health, and it is in relation to funding for the healthy ageing and wellbeing centre in Belmont. This centre is a gym, principally for people aged 55 and over, and it also caters for people who have a disability of any kind. St Laurence has been funding the program that runs through this gym for the last five years, and it has been very successful.

A constituent, Mr Merv McNeil, has asked me to make a representation to the Minister for Health on his behalf to see if the state government can financially support this gym, which provides significant rehabilitation for those of more mature years and those who have had some disability or illness. They can get together not only in a social environment but also in a get-fit environment to help them overcome some of the physical disabilities they have.

It is an important centre for those who are more mature, and I ask the minister to speak to St Laurence about potential funding opportunities for the ongoing gym.

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Local Government, and it concerns ongoing worries that the government will scrap the Sunbury out of Hume process, which was announced by the previous government. Given that the minister has publicly blamed the Hume City Council for the apparent delay in the establishment of the new Sunbury local council when it is widely known that ministerial dragging of heels is responsible for the current uncertainty, will the minister now apologise to the Hume City Council for the slur she cast on it?

The PRESIDENT — Order! I am not sure that that question meets the spirit of constituency questions. It is a matter the member might get away with as an adjournment item, but in a constituency question to be calling on the minister to apologise for an action is quite different to getting a minister to provide some sort of action in respect of a local issue. On this occasion I will not rule it out because we are in the early stages of this process, but I warn the member that I will not accept that sort of constituency question at all in the future, and if the minister chooses not to answer on this occasion, I will also understand that position. As I said, constituency questions are very much about bringing up matters of concern in a constituency and asking a minister to take action. A question seeking that the minister make an apology is not appropriate in constituency questions going forward, and I do not believe that is the government's intention. The sort of matter raised by the member might be given some careful consideration and pursued in an adjournment debate.

Mr FINN — On a point of order, President, to clarify the issue so that it is clear in my own mind, the question I asked today is of immediate relevance to a statement made by the minister last week about this significant concern held by thousands of constituents in Western Metropolitan Region. I am just wondering what exactly is the problem with asking the minister if she will apologise because she made a statement on this issue which a lot of people are very concerned about.

Mr Jennings — On the point of order, President — and I am sure you do not need my assistance, but I raise this point in the spirit of assisting you and the member. The member would be aware that he could have raised the same issue later in the business program as a 90-second members statement as distinct from the 60-second time constraint of a constituency question. He could also have explored it as an adjournment matter where he would have had 3 minutes to explore the item he raised.

In terms of the procedures of the house and the appropriateness of making demands upon ministers as distinct from raising matters or calling for action to elicit a response in the Parliament, which was pretty much the criticism implied in Mr Finn's contribution — although he certainly called on the minister to take action — I would have thought that the adjournment debate or members statements, with their longer time frame, would have been better options for him to use to pursue that matter today.

The PRESIDENT — Order! On the point of order, I concur with the Leader of the Government and his

position on this matter, but more importantly, in terms of clarification, what would have been acceptable with the constituency question might well have been to invite the minister to reconsider her position rather than to call for an apology, which is quite a different matter in terms of what I expect from constituency questions. In seeking an apology from the minister, I concur with the Leader of the Government that one of the two other procedures of the house would have been more appropriate for that particular issue. Had there been a call for the minister to reconsider her position, then that would have been an action that met what I consider to be the criteria and the spirit of constituency questions.

Eastern Victoria Region

Mr O'DONOHUE (Eastern Victoria) — My constituency question is for the Minister for Emergency Services, Ms Garrett, and it relates to Narre Warren East Country Fire Authority (CFA), which is a group of hardworking volunteers. It has been servicing the community for more than 60 years, and its buildings are in need of upgrades to accommodate a growing membership base. There are currently no toilets or change rooms for female members.

In November last year the coalition government delivered \$100 000 for these much-needed upgrades. That was not an election promise. The funding was provided as part of the coalition government's \$125 million commitment to build or upgrade hundreds of CFA stations across the state. This commitment was delivered on time and \$5 million under budget. The \$100 000 delivered to Narre Warren East was made possible due to savings made by the coalition. However, since Labor came to government, the station has been advised that this \$100 000 is no longer available and that upgrade projects at the station are no longer going ahead. I ask the minister: will Labor honour the funding commitment made to the Narre Warren East CFA, and if not, can the minister explain where that \$100 000 has been reallocated?

PETITIONS

Caulfield Racecourse Reserve

Following petition presented to house:

To the Legislative Council of Victoria:

The petition of residents of Victoria draws to the attention of the house the potential conflict of interest of Caulfield Racecourse Reserve trustees in their commercial relationships with the Melbourne Racing Club.

The petitioners therefore request that the Legislative Council of Victoria take action to instigate a public inquiry into past

commercial transactions between the trustees and Melbourne Racing Club, and call on the minister for environment and the Minister for Racing to end further alienation of this public land, ensure management by the trustees is transparent and accountable, and enforce the three uses of the reserve defined by the Crown grant.

By Ms PENNICUIK (Southern Metropolitan)
(794 signatures).

Laid on table.

Ordered to be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).

PROCEDURE COMMITTEE

Sessional orders

Ms TIERNEY (Western Victoria) presented report, including appendix.

Laid on table.

Ordered that report be published.

The PRESIDENT — Order! The report is essentially a progress report of the Procedure Committee looking at the current sessional orders. There will be some matters arising from that report that will be dealt with either later this day or within the week.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 2

Mr DALLA-RIVA (Eastern Metropolitan)
presented *Alert Digest No. 2 of 2015*, including appendix.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Acting Clerk:

Falls Creek Alpine Resort Management Board — Minister's report of failure to submit report for 2013–14 to the Minister within the prescribed period and the reasons therefor.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to the Waste Management Policy (Solid Fuel Heating).

Lake Mountain Alpine Resort Management Board — Report, 2013–14.

Mount Baw Baw Alpine Resort Management Board — Minister's report of failure to submit report for 2013–14 to the Minister within the prescribed period and the reasons therefor.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report, 2013–14.

Mount Hotham Alpine Resort Management Board — Report, 2013–14.

Parliamentary Committees Act 2003 — Government Response to the Law Reform, Drugs and Crime Prevention Committee's Inquiry into the Supply and Use of Methamphetamines, Particularly Ice, in Victoria.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes —

Corangamite Planning Scheme — Amendment C41.

Corangamite, Frankston, Horsham, Indigo, Mansfield, Maroondah, Moira, Nillumbik, Northern Grampians, Stonnington, Strathbogie, Towong, Wangaratta and Wodonga Planning Schemes — Amendment GC20.

Frankston Planning Scheme — Amendment C106.

Glen Eira Planning Scheme — Amendments C113 and C120.

Greater Bendigo Planning Scheme — Amendment C158.

Greater Geelong Planning Scheme — Amendment C298.

Greater Shepparton Planning Scheme — Amendment C134.

Hindmarsh Planning Scheme — Amendment C13.

Hume Planning Scheme — Amendment C195.

Kingston Planning Scheme — Amendment C121.

Melton Planning Scheme — Amendment C112.

Moonee Valley Planning Scheme — Amendment C134.

Moorabool Planning Scheme — Amendment C53.

Mornington Peninsula Planning Scheme — Amendment C174 (Part 3).

Murrindindi Planning Scheme — Amendment C56.

Wodonga Planning Scheme — Amendment C93.

Yarra Ranges Planning Scheme — Amendments C137 and C141.

Statutory Rules under the following Acts of Parliament —

Supreme Court Act 1986 — No. 11.

Supreme Court Act 1986 — Constitution Act 1975 — Corporations (Ancillary Provisions) Act 2001 — No. 10.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 9 to 11, 13 and 14.

Legislative Instruments and related documents under section 16B in respect of Amendments to the Greyhound Racing Victoria Local Racing Rules, 26 February 2015 under the Racing Act 1958.

Proclamation of the Governor in Council fixing operative dates in respect of the following act:

Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014 — Part 4, Part 5, Division 3 of Part 7 and section 151 — 4 March 2015 (*Gazette No. S44, 3 March 2015*).

BUDGET SECTOR

Midyear financial report 2014–15

The Acting Clerk, pursuant to section 27D(6)(c) of the Financial Management Act 1994, presented report, incorporating quarterly financial report no. 2.

Laid on table.

PRODUCTION OF DOCUMENTS

The Acting Clerk — I have received a letter dated 16 March from the Attorney-General in relation to the West Gate distributor. It states:

I refer to the Legislative Council's resolution of 25 February 2015 seeking the production of:

a copy of all documents in relation to the West Gate distributor including, but not limited to —

- (1) the business case;
- (2) interim or final traffic and traffic management studies, reports or briefings;
- (3) environmental studies, reports or briefings including historical studies, reports or briefings relating to Stony Creek;
- (4) Aboriginal cultural heritage studies, reports or briefings;
- (5) advice on compliance with the Hobsons Bay planning scheme and Maribyrnong planning scheme and proposed consultation on required planning approvals;
- (6) departmental advice and briefing documents; and
- (7) evidence of consultation on the above.

The Council's deadline of 16 March does not allow sufficient time for the government to respond to the Council's resolution, given the breadth of the resolution and the need for the government to undertake thorough and diligent searches

to identify documents that respond to it. The government will endeavour to respond as soon as possible.

Ordered to be considered next day on motion of Ms WOOLDRIDGE (Eastern Metropolitan).

The Acting Clerk — I have received a letter dated 16 March from the Attorney-General in relation to the privatisation of the port of Melbourne. It states:

I refer to the Legislative Council's resolution of 11 February 2015 seeking the production of:

a copy of the scoping study for the privatisation of the port of Melbourne prepared by KPMG in 2014.

The Council's deadline of 16 March does not allow sufficient time for the government to respond to the Council's resolution. As the scoping study report is a cabinet document of the former government, constitutional conventions limit this government's access to the report. The government is taking steps to comply with the constitutional conventions and will endeavour to respond as soon as possible.

I have received a letter dated 16 March from the Attorney-General in relation to the Australian Formula One Grand Prix. It states:

I refer to the Legislative Council's resolution of 25 February 2015 seeking the production of:

the contract, in full, signed by the Napthine government to host the F1 grand prix in Melbourne from 2016 to 2020.

The Council's deadline of 17 March does not allow sufficient time for the government to respond to the Council's resolution. The government will endeavour to respond as soon as possible.

Ordered to be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).

The Acting Clerk — I have received a letter dated 16 March from the Attorney-General in relation to the city of Bayside. It states:

I refer to the Legislative Council's resolution of 25 February 2015 seeking the production of:

a copy of the report prepared for the Minister for Planning by the Residential Zones Standing Advisory Committee concerning draft amendment C125 relating to the city of Bayside.

The Council's deadline of 11 March does not allow sufficient time for the government to respond to the Council's resolution. The government is considering the Council's order, having regard to the need to protect the public interest, and will endeavour to respond as soon as possible.

NOTICES OF MOTION

Notice of motion given.

Ms WOOLDRIDGE having given notice of motion:

The PRESIDENT — Order! I indicate that that motion is longer than I would normally expect a notice of motion to be. Given that it refers to the processes of the house and that there has been discussion of some of the matters that form part of this motion, it is acceptable to me to have this notice of motion provided to the house.

Further notices of motion given.

Ms WOOLDRIDGE giving notice of motion:

Mr Melhem — On a point of order, President, I point out to the house that the notice of motion is a very long one. In the last sitting week I was pulled up for that, and I agreed to put forward a shorter notice of motion. President, you made comments earlier about the notice of motion on committee procedures, which we understood needed to be lengthy. I suggest that this notice of motion be either ruled out of order or cut short — halved.

The PRESIDENT — Order! The notice of motion I have before me runs over more than two-thirds of the page; perhaps we have different pages.

I indicate that I concur with Mr Melhem that this notice of motion is longer than I would expect a notice of motion to be. I have not seen this notice of motion previously, although I know the clerks have seen it. I think that some of the matters set out here in table form as the subject of debate are points that might well have been made in debate. Each one of them could have been captured in an overriding point and then teased out in debate, rather than being spelt out in the notice of motion itself.

I accept that Mr Melhem has done the Chair the courtesy of amending some of his notices of motions already in this session, as they had been presented to me at an earlier stage and I had considered them to be too long. I am in some difficulty in that sense.

I indicate, with apologies to Mr Melhem on this occasion, that I will accept this notice of motion today. However, I appreciate his point of order and I indicate to members that we need to ensure that notices of motion are kept to a reasonable length and that, where possible, we do not put all the elements of a debate into the motion. That is for the day of the debate. In the context of this particular notice of motion, some of the

points that are set out here could well have been combined in an overriding statement.

I understand that this matter is to be pursued tomorrow, and I think that advice has been conveyed to Mr Melhem as Government Whip. It has been conveyed to me. On that basis I will allow the notice of motion to stand as it is today, but I accept the point of order and I ask members to give consideration to the remarks I have just made.

Ms WOOLDRIDGE continued giving notice of motion.

Further notices of motion given.

PROCEDURE COMMITTEE

Reporting date

Mr JENNINGS (Special Minister of State) — By leave, I move:

That the inquiry into sessional orders and other matters by the Legislative Council Procedure Committee be extended until Tuesday, 23 June 2015.

The PRESIDENT — Order! This is one of the recommendations that came out of the report tabled by the Deputy President.

Motion agreed to.

BUSINESS OF THE HOUSE

Sessional orders

Mr JENNINGS (Special Minister of State) — By leave, I move:

That until the end of the session, unless otherwise ordered by the Council —

- (1) The following sessional orders be adopted, to come into operation with immediate effect:

A. Appointment of members (standing committees)

Standing order 23.03(1) is suspended and the following will apply:

- (1) Each legislation and reference committee will consist of eight members, with three members from the government nominated by the Leader of the Government in the Council, three members from the opposition nominated by the Leader of the Opposition in the Council, one member from the Greens nominated by the Leader of the Australian Greens in the Council and one member from among the remaining members in the Council nominated jointly by minority groups and independent members.

B. Procedure Committee

Standing order 23.08(3) is suspended and the following will apply:

- (3) The committee shall consist of eight members with five members to be the quorum.

C. Privileges Committee

Standing Order 23.09(2) is suspended and the following will apply:

- (2) The committee shall consist of eight members with five members to be the quorum.
- (2) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders or practices of the Council, will have effect notwithstanding anything contained in the standing orders or practices of the Council.
- (3) The Clerk is empowered to renumber the sessional orders and correct any internal references as a consequence of this resolution.

Motion agreed to.

General business

Ms WOOLDRIDGE (Eastern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 18 March 2015:

- (1) notice of motion given this day in the name of Ms Wooldridge in relation to sessional orders;
- (2) notice of motion 54 standing in the name of Mr Rich-Phillips in relation to the production of documents on the east–west link;
- (3) notice of motion given this day in the name of Ms Wooldridge in relation to the new Easter Sunday public holiday and grand final eve; and
- (4) notice of motion 4 standing in the name of Ms Crozier in relation to cuts to family violence services.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be putting forward another motion in the morning, which should be included in the motion moved by Ms Wooldridge, with regard to the first and second readings of a bill.

The PRESIDENT — Order! I am advised that it is not necessary in the context of this motion and that it is a separate procedure. It is not necessary for the first reading and, by leave, the second reading to be part of this procedure. It will be separately dealt with, so it will happen.

Motion agreed to.

MINISTERS STATEMENTS

Foster carers

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house of the government's new approach to moving children out of residential care and into home-based care. Our \$43 million announcement yesterday will enable services and support to be targeted at the needs of individual children and the foster or kinship carers who look after them. In some cases the packages will even enable children to return home. The packages will assist in moving our most vulnerable children, especially preschool and primary school aged children and Aboriginal children, into home-based care. They will help grandparents to move to a bigger unit so two grandchildren can move in with them. The packages will help carers to lease a bigger car so a family can take in a sibling group or will provide qualified backup carers so a foster parent can continue to work part time.

This announcement was met with supportive media releases issued by the Centre for Excellence in Child and Family Welfare, the Victorian Council of Social Service, Berry Street and Anglicare. Members may have seen on *ABC News* last night the inspiring example of foster carers Kerry and Stephen Longmuir, who have given their home and hearts to more than 380 children for more than 31 years. Their story underlines the heroic figures that foster carers are in our community and the role that ordinary people can play in becoming heroes to foster children.

There are times when residential care is unavoidable, but it is my view and the goal of this government that residential care should be a last resort. We need to recruit more foster care heroes to give as many children who cannot live with their own family a place in a caring and supportive family environment, which is why I recently announced \$1.5 million for a foster care recruitment and retention strategy. The Andrews Labor government is committed to offering better support to people who offer their homes and their hearts to children in need.

The PRESIDENT — Order! I advise the house, as members might well be aware, that Jessica Pattison, my executive assistant, is not far off going on maternity leave. At this stage it is scheduled for next month, but to ensure a smooth transition of the workload and support for not just me but members of the chamber we have appointed Natalie Tyler to take over the executive assistant position for the term of that maternity leave. Natalie Tyler might be known to quite a number of members as one of the committee staff, including with

the Family and Community Development Committee in the last Parliament, and I look forward to working with her for the next 12 months while Jessica undertakes a very happy and rewarding period of maternity leave. Members are well aware of the very high regard in which I have held Jessica's service, and that has been echoed by members who have also been supported by her in various matters to do with the Parliament and the house. I am quite confident that Natalie will continue that very high standard of support for members of the house.

MEMBERS STATEMENTS

Australian Lebanese Medical Association

Mr ELASMAR (Northern Metropolitan) — On Saturday, 28 February, I was delighted and proud to represent the Premier, the Honourable Daniel Andrews, at the second anniversary ball of the Australian Lebanese Medical Association (ALMA). I was pleased to participate in celebrating this occasion as I recalled my attendance at the association's first auspicious gathering to celebrate its founding and establishment. Its reputation has spread across Australia as a leading and eminent expert body that is representative of Australian Lebanese medical professionals. ALMA has established chapters in Victoria and New South Wales and plans to open a chapter in Queensland this year.

In 2014 ALMA sponsored the inaugural inter-hospital relationship between Lebanon and Australia, involving Monash Health and Saint George Hospital University Medical Centre in Beirut. This will allow the exchange of students, doctors, nurses and researchers between both hospitals. It is the first ever agreement between hospitals in Australia and Lebanon. ALMA has also sponsored a memorandum of understanding between MonashHeart and the Lebanese Society of Cardiology, which is an amazing first international agreement between both institutions. This will foster the collaboration of clinical and research work between both countries. I congratulate the president of ALMA, Dr Walid Ahmar, and his executive committee on this wonderful achievement.

Fruit fly

Ms LOVELL (Northern Victoria) — While driving to an electorate meeting the week before last I was listening on the radio to ABC Goulburn Murray, and I had the interesting experience of hearing the Minister for Agriculture attempt to explain her government's weak attempt at fruit fly support measures. The minister's performance was appalling as she struggled through a 13-minute long and excruciating interview,

during which ABC radio's presenter Joseph Thomsen grew increasingly frustrated at the minister's corporate jargon and inability to explain, in even the most basic terms, how the Ground Up program will assist growers, particularly home growers, to control Queensland fruit fly.

At one point the minister even resorted to reading directly from her department's brochure in an attempt to explain — or was it understand? — the program. Comments and texts following the interview included remarks such as, 'She is saying a lot without saying anything', 'Talk about bureaucratic gobbledegook', 'I was relieved when she started to read from the brochure' and 'If you want to kill fruit flies, send the minister out to talk to them'. Further, the program itself was developed and released without any consultation with growers, the result being that growers now want it put on hold until they can have input.

I found the minister's interview to be an embarrassment, and I join Joseph and his listeners in feeling like we are still very much in the dark about what the Andrews government is doing to control the Queensland fruit fly. The minister was obviously not across her brief and needs to be far better prepared next time she speaks on issues of importance to local communities.

Holi festival

Ms HARTLAND (Western Metropolitan) — I had the privilege of attending the Holi festival on 7 March at the Werribee Racecourse. This is an amazing festival to welcome spring, and it is also referred to as the festival of colour and the festival of love. It is an ancient Hindu religious festival, and I have to say it was quite a joyous day. People who have seen my photos on Facebook will also be aware that you get covered in a chalk-like substance, and so my outfit was very colourful by the end of the day. But what made this day particularly special was the master of ceremonies, Natasha Marisa, who made a powerful statement about the need for the community to confront the issue of family violence.

I had the honour of standing on the stage with Dr Manjula O'Connor, who has campaigned to outlaw dowry, as well as Wyndham councillors, police and members of the community, to take the White Ribbon pledge against violence. This was a particularly moving ceremony as it brought together the whole community. They were there to celebrate a festival of love, and they were also declaring that family violence is no longer acceptable.

Dr Mary Glowrey

Mr RAMSAY (Western Victoria) — I would like to acknowledge a very special lady from my home town of Birregurra. Mary Glowrey, Sister of the Sacred Heart, is among 22 women inducted onto the Victorian Honour Roll of Women this month. Established in 2001, the honour roll lists more than 500 names, including women such as Dr Glowrey who the state has honoured posthumously and who have demonstrated leadership and excellence in their fields of interest and endeavour.

Dr Mary Glowrey was born at Birregurra in 1887 and died in India in 1957. Her father owned the general store, which stands proudly in the main street today. Dr Glowrey studied a bachelor of arts at Melbourne University in 1905 and then transferred from arts to medicine, where she received a bachelor of medicine and surgery in 1910.

Mary Glowrey's contribution was in God's calling to help the women and children in India, and such was her dedication to the cause that the Catholic Church is considering making Dr Glowrey a saint for her missionary work. Notwithstanding the process of sainthood, we are very proud of her heritage, her selfless life calling to the women and children of India and her recent acknowledgement by the state government, which honoured her and 22 other women by inducting them onto the Victorian Honour Roll of Women.

Delma Clapp and Rosemary Malone

Ms TIERNEY (Western Victoria) — I take this opportunity to acknowledge two women in Western Victoria Region who were recently inducted into the Victorian Honour Roll for Women. The first of these is Delma Clapp of Warrnambool. Delma Clapp is the founding member of Emma House Domestic Violence Services — the first women's refuge in Warrnambool. Her voluntary work in the formation of Emma House has built this important organisation into a key service provider in the Warrnambool region, providing a safe haven for women and children who experience domestic violence.

Over 30 years Delma Clapp has done everything from playing an integral role in the formation of the board of directors, liaising with key stakeholders, staffing the refuge and developing what I am sure would be more funding applications than she can remember to holding positions such as chairperson, treasurer and secretary of the board at the refuge. Delma continues to sit on the

board and provide the knowledge that only a person with her experience and passion could provide.

The second woman to be recently inducted into the Victorian Honour Roll for Women is Rosemary Malone. Since 2003 Rosemary Malone has been the CEO of Gateways Support Services, a major service provider for people with a disability in the Geelong and Barwon regions. Rosemary began her career as a speech pathologist at the Royal Melbourne Hospital and later became the chief speech therapist before moving to the Barwon area in the 1980s. She worked as a team leader in disability services and specialist children's services at Gateways and then took up the role of general manager before becoming the CEO.

Rosemary has chaired the Barwon Disability Advocacy Network, and the G21 Disability Inclusion Partnership working group, served on Autism Victoria committees and served as a member of the Victorian ministerial advisory committee for the national disability insurance scheme.

I congratulate these two remarkable women.

H30 Challenge

Mr ONDARCHIE (Northern Metropolitan) — I commend VicHealth on the H30 Challenge. Right now nearly two-thirds of Victorians are overweight — I am one of them — and that number is predicted to rise. Researchers estimate that by about 2025 more than 75 percent of adults and one-third of Australian children will be overweight or obese and at severe risk of type II diabetes and cardiovascular disease. We are heading into an obesity epidemic, and the only way to change the direction of our future is by doing something about it.

Taking the H30 Challenge and switching sugary drinks for water for 30 days is a great way to start. Soft drinks, sports drinks and energy drinks are generally all packed full of sugar. A 600 millilitre bottle of soft drink can contain 16 teaspoons of sugar and over 1000 kilojoules. We all know water is good for us and essential for life. It aids digestion and allows us to absorb nutrients and keep hydrated and alive. I am calling on all MPs in the state Parliament to join with me and VicHealth and take the H30 Challenge.

Cyclist safety

Ms PATTEN (Northern Metropolitan) — On 1 March I attended the Sydney Road festival and the wonderful Brunswick Music Festival. They were joy-filled events that were crammed with tens of thousands of locals enjoying the spirit of the day.

There was, however, a shadow over the mood that you could just sense amongst the crowd that day. It came on the back of a very sad day when a young man had been tragically killed after a cycling accident on the same road where locals were celebrating — a dooring incident that had shocked and saddened everyone. My heart goes out to his family and friends. As I passed the spot where his life was so quickly and so awfully taken, I saw that his friends were just sitting there, weeping. There is nothing that can be said at that moment when you are faced with the brutally quick and senseless loss of life, which is what his loved ones were faced with.

My heart also goes out to the driver of the car who opened the door, which ultimately led to this tragic accident. Through an everyday moment their lives were changed. It was an accident; preventable though it may have been, it was an accident nonetheless. There was also the driver of the truck and the people who saw it. It was just awful.

I applaud the government, in particular the member for Brunswick in the Assembly, Jane Garrett, for her immediate intervention on the issue — her willingness to encourage the Labor government to look not only at the geographically specific reasons why this occurred in this area of Sydney Road, Brunswick, but also at the issue of cyclist road safety as a whole across the state, with particular attention to dooring as a prime campaign focus.

The ACTING PRESIDENT (Mr Elasmr) — Order! The member's time is up.

Cultural Diversity Week

Mrs PEULICH (South Eastern Metropolitan) — Like you, Acting President, I attended the Australian Lebanese Medical Association charity dinner to celebrate its second year. I was delighted to join Walid Ahmar and his beautiful wife along with members of Parliament to witness the congratulations heaped upon the former Minister for Health, David Davis, for assisting that organisation to form some of those groundbreaking initiatives involving health institutions in both Lebanon and Victoria.

I am on my feet, however, to speak about Cultural Diversity Week, which is one of the biggest celebrations on Victoria's multicultural calendar. It runs from 14 to 22 March, and it kicked off with a gala dinner at the Palladium, which a number of our colleagues attended. I congratulate Matthew Guy in particular on the outstanding speech he gave to the 1500 people from the various communities who were assembled at that event.

Cultural Diversity Week is held annually to coincide with the United Nations International Day for the Elimination of Racial Discrimination on 21 March, also denoted as Harmony Day, and it is an opportunity for all Victorians to come together to share their culture, faith and language. Victorians love a good party, and that is certainly what they have been having around the community. Over the last few days I have attended the Croatian festival in Footscray, the Turkish Pazar Festival at the Queen Victoria Market, a number of citizenship ceremonies, the Bon Japanese summer festival and a range of holy festivals and other events around the community. I thank all members of Parliament for getting behind the celebration of our multicultural diversity.

Doug Ralph

Mr BARBER (Northern Metropolitan) — I would like to memorialise the life and passing of Doug Ralph, a Castlemaine resident and dedicated Green. Doug's family was part of Castlemaine since the gold rush, and Doug grew up in the area, as did his three children. He worked at various jobs over the years, including 12 years at the Castlemaine Bacon Company, but he also worked on developing part of the goldfields trail between Castlemaine and Daylesford. He was active in so many community affairs and environmental issues, from the Chewton progress association to the Mount Alexander diggings association, the South Castlemaine Kindergarten committee and the 1851 re-enactment committee. He was also involved in permaculture, Landcare, the environment and so many other areas.

We had a wonderful memorial event for Doug in the Castlemaine Botanical Gardens the weekend before last, when hundreds of citizens came together and shared stories — some inspirational and some quite funny — about the impact Doug had had on their lives. It is clear that his passing has left a great gap in the community's life. It was described as the falling of a great tree in the forest, but hopefully as the light comes in and the seeds he laid start to grow we will all rise up and fill the gap he has left.

Australian Bosnian Islamic Centre

Mr MELHEM (Western Metropolitan) — Last weekend I had the pleasure of attending the Australian Bosnian Islamic Centre's annual multicultural festival in Deer Park, representing the Premier, the Honourable Daniel Andrews. We heard from very distinguished guests, including the ambassador of Bosnia and Herzegovina, His Excellency Mr Bakir Sadovic; Mesihat Bosnian Islamic Council of Australia chairman, Jasmin Bekric; the Islamic Council of

Victoria president, Ghaith Krayem; and my Labor colleague Natalie Suleyman, the member for St Albans in the Assembly. We heard about the contribution to our city of members of this community, most of whom arrived in Australia from a war zone in the 1990s and who overcame those traumatic origins to make a home and community here in Australia.

I was particularly pleased to hear of the Australian Bosnian Islamic Centre's exciting plans for the future, including its plans for expansion. Greater understanding and connection between Islamic and non-Islamic communities is especially important at this time in our nation's history. Complacency and separation are not viable options. I would like to thank the imam of the Australian Bosnian Islamic Centre for his hospitality, and I applaud the centre for its work in educating the broader community about both the Islamic faith and the history of the Bosnian Muslim community in Victoria. I wish the centre all the best in its future endeavours.

Government performance

Mr FINN (Western Metropolitan) — A couple of weeks ago I visited the Whitten Oval for the return of AFL football — to see the Doggies play Richmond. There was a good crowd; there is no doubt about that. There was a very strong atmosphere. It all went very well until Treasurer Tim Pallas got to the microphone and spoke at length before the game, seemingly basking in what his government had done to bring football back to the west. That is all well and good except that the redeveloped Whitten Oval was not the child of any Labor government. Indeed this renewal was very much the legacy of the Howard government and the Napthine Liberal-Nationals coalition government.

I was still shaking my head at the audacity of Mr Pallas when last week he took credit for the improved employment figures even though the Andrews government had done precisely nothing in its first 100 days to create any jobs at all. Mr Pallas should have credited the coalition government for its work last year and credited the abolition of the carbon tax, which was a real boon for jobs. I suggest to Mr Pallas that if he really wants to do something constructive for which he can claim credit, particularly for the west, he should talk the Premier, Daniel Andrews, into building the east-west link, which will create thousands of new jobs and earn the eternal gratitude of thousands of people across Victoria.

Northern Victoria Region schools

Ms SYMES (Northern Victoria) — I recently had the pleasure of enjoying an inspirational day in Mildura as the guest of the Northern Mallee School Council Presidents Group, visiting a number of local schools to hear firsthand the experiences, opportunities and impediments that are facing our regional learning communities. The communities of Mildura West Primary School, Merbein P-10 College, Chaffey Secondary College, the Mildura campus of the Victorian P-12 College of Koorie Education and Robinvale P-12 College were extremely welcoming and provided me with great insight into the challenges they face, particularly around ageing facilities and the lack of government investment in recent years. I am looking forward to discussing these matters further with my colleagues and in particular the Minister for Education, who I know is passionately committed to ensuring equality of access to excellence for all Victorian students.

A particular highlight of the day was the tour of the FLO Connect facility which aims to work in partnership with community agencies to offer young people the best opportunity to re-engage in education, training and employment through flexible learning options. The hardworking and passionate staff are committed to assisting those vulnerable young people who for a variety of complex reasons have become disengaged from the mainstream schooling system and often from their community altogether.

In too many rural communities kids fall through the cracks when they no longer fit the mainstream. The resources and options taken for granted in the cities are too often not there to provide a safety net for country kids, but FLO Connect is more than taking up this challenge for Mildura's young people and is providing an alternative education setting that meets their needs and supports them to remain engaged with their school communities.

The ACTING PRESIDENT (Mr Elasmarr) — Order! The minister's time has expired.

Western Health

Mr DAVIS (Southern Metropolitan) — I am pleased to rise today to congratulate Western Health on the arrival of its long-awaited intensive care unit capacity and its coronary care unit capacity and the parallel increases in maternity capacity that have been delivered. I want to say very clearly that these were coalition initiatives. They were not delivered under Labor. In fact the initial steps for an intensive care unit

at Western Health at Sunshine were taken under the Kennett government but that unit was closed by Steve Bracks in the early 2000s — and later converted into a film studio. It was an extraordinary step by a Labor government to turn an intensive care unit into a film studio, rented out for international films.

We were proud to fund and see the development of that intensive care unit capacity and the coronary care unit capacity and the increased parallel development of maternity capacity at Sunshine to deal in part with the significant maternity growth in the western region of Melbourne. I pay tribute to the department of health capital division and also to the board and staff of Western Health, Alex Cockram in particular, noting that successive boards have worked hard with the government to deliver this increased capacity. I believe this is an important step because further development at Sunshine could not take place without that intensive care capacity. I always said it should have been opened fully, not turned into a film studio, as the previous Labor government did.

Indonesian death penalty

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to express my gratefulness that I live in a state and a country which have recognised that they do not have the moral authority to take the lives of their citizens. We do not execute citizens of this state, and we have not done so since 1967. Two Australian men, Andrew Chan and Myuran Sukumaran, currently sit on an execution island in Indonesia awaiting the death penalty for a crime which here carries a maximum sentence of life imprisonment. These young men have been serving their time, during which they have turned their lives around. It is well documented that these men are successfully rehabilitated. They should be held up by the Indonesian government as leading examples of a successful rehabilitation system, to encourage prisoners to change their lives and give hope that rehabilitation is possible.

I commend the Premier for having urged the Indonesian authorities to reconsider the death sentence handed down to these young men, Mr Chan and Mr Sukumaran. The death penalty is deliberate state-sanctioned homicide and a grave attack against human dignity. It has no place in a modern, humane society which respects human life.

Member for Gippsland South

Mr DRUM (Northern Victoria) — I take this opportunity to congratulate Danny O'Brien on his win at the weekend in the by-election for the Assembly seat

of Gippsland South. Members of this chamber will know that Danny is a hard worker who in his short term in this chamber spoke many times. His contributions were always measured and credible. I think Danny applied those traits to his campaign once the seat was vacated by the former Deputy Premier, Peter Ryan. For Danny to achieve a primary vote of more than 45 per cent for The Nationals was an amazing effort. Part of the credit for this result can be directed to the way that Peter Ryan left the seat of Gippsland South.

With Labor not standing a candidate, there was an expectation that a large portion of the 20 per cent of the vote that they would normally get would have gone across directly to the Greens. However, this did not happen. The scaremongering by the Greens about coal seam gas (CSG) and fracking was not well received, and I think the policy of offering farmers the right of veto on CSG wells on their own farm was in fact very well received. I thank the hundreds of volunteers who helped Danny and The Nationals with this campaign. I thank the voters of Gippsland South for having the faith to put The Nationals back in Gippsland South, and I wish Danny a fine career in the other place.

CEMETERIES AND CREMATORIA AMENDMENT (VETERANS REFORM) BILL 2015

Second reading

Debate resumed from 26 February; motion of Mr JENNINGS (Special Minister of State).

Ms WOOLDRIDGE (Eastern Metropolitan) — I am pleased today to rise to speak on the Cemeteries and Crematoria Amendment (Veterans Reform) Bill 2015. This debate comes at a very important time in the history of Victoria and Australia. We are now just weeks away from acknowledging the centenary of the Anzac landings, but for the whole year we will be recognising and acknowledging the many servicemen and servicewomen who fought for our state, who fought for their local communities and who fought for our country.

This is an important bill because it affords due regard to our servicemen and servicewomen in terms of their remains. A debate very similar to the debate on this bill has already occurred in this place. In 2014 the former government drafted legislation, which was introduced into the other house and debated. Unfortunately it was not able to be completed in the other place. I am pleased the government has reintroduced this legislation with only minor changes. The name of the bill has changed, the date of its commencement has

changed, and there are minor editing changes, but this bill gives effect to the intent of the former government in relation to these matters. For that reason the opposition is supporting the bill. We have bipartisan support, which is a positive outcome, on such an important matter as the remains of our former servicemen and servicewomen.

Currently people who are to be cremated have the choice to purchase either a perpetual tenure or a 25-year limited term tenure. When the term is limited, the cemetery is required to contact the holder of the interment right at least 12 months prior to the expiry date to ask whether the remains should stay for another 25 years, whether the tenure should be converted to a perpetual tenure, or whether the interment should not continue. If no response is received, the cemetery trust can make a decision to dispose of the remains and to remove the memorial relating to them.

The bill seeks to change that for veterans. It provides for the conversion of the right of interment of cremated human remains of deceased identified veterans for 25 years to a perpetual right of interment, and provides for the reinterment of cremated human remains of deceased identified veterans and their families in specified circumstances. Essentially it says that if there is no clear direction from a family about what may happen to cremated remains at the end of a limited tenure interment, cemeteries will no longer have the option to scatter those remains and dispose of the memorials. The bill provides other mechanisms for the remains to remain interred and for the memorial to continue. That is obviously a positive side of things.

I put on the record that most cemeteries have chosen not to scatter the remains, and that they were grappling with how to deal with the remains, acknowledging the service to the country of the individuals involved. The bill gives clarity to cemetery trusts in relation to their actions. It also acknowledges that sometimes it is difficult to leave remains where they are currently interred. It provides for the capacity for them to be moved to another site and also for any family members who are also interred on the site to be moved close to and in the vicinity of those family members. It allows for some reasonable decision-making about what happens with remains, acknowledging that things may have changed and there may be improved outcomes rather than the remains remaining exactly where they are.

The coalition government undertook extensive consultation on these issues. There was consultation with the ministerial advisory committee, which did excellent work over a significant period and was very

supportive of this legislation. From subsequent conversations I understand the RSL was also supportive — and I expect Mr Drum will make some comments in relation to that — of this legislation and what it was seeking to achieve.

In my new capacity as the shadow Minister for Health I have had some further discussions about the bill. I want to put on the record requests from cemetery trusts for some things that will help them to be effective in relation to the implementation of this legislation. I thank those people who were further responsive in relation to the consultation I undertook. One of the areas cemetery trusts would appreciate some assistance from the department on is the production of some clear design guidelines, so that in the scenario that the holder of an interment right cannot be contacted, an appropriate decision is made about the veteran's cremated remains. Really at the heart of this are some guidelines on decision-making by cemetery trusts.

There was also a request for some assistance from the department in terms of communication to the public of these changes. The cemetery trusts flagged that the bill potentially creates two different groups within a cemetery. They report that there is already some significant feedback on the maintenance of sites. One of the things cemetery trusts will now do is have some responsibility for the maintenance of the sites if remains are to be moved or interred post a 25-year period where there are no directions from a family. Cemetery trusts have raised the issue that it will be helpful to have a mechanism to communicate to the community about this bill and the fact that cemetery trusts now take some responsibility for the maintenance of some sites, acknowledging that they do not have responsibility for the maintenance of all of the sites.

Another thing cemetery trusts thought would be helpful to have is some information about how they might access additional funds or generate additional income, because there are potentially costs associated with this bill. The costs may be for them to keep cremated remains interred in a specific site and therefore no longer being able to sell that site on to another family for the interment of the remains of their loved ones, or utilising other sites within a cemetery. There also may be some additional costs associated with the maintenance of the site into the future, and the trusts seek some clarity on how that can be effectively managed and how they might cover costs as they arise.

There was also a request for some material for families, particularly families of bereaved members of the community, so that trusts do not have to generate those materials themselves. A simple brochure about what

happens to the interred remains of a veteran could be given to a family for them to read perhaps at another time, and it ties in with the issue of maintenance. These are some of the straightforward requests around the practical implementation of the bill.

As I have said, the coalition supports the passage of this bill, given its similarity and consistency with what has already been passed by this place. It is an important acknowledgement of the contribution of our servicemen and servicewomen. It is an appropriate way to deal with what has been a difficult issue for cemetery trusts, and it is in the context of broad support that is, I think, bipartisan. Certainly there was significant support in the previous government and a particular acknowledgement of the important roles memorials play in our acknowledgement and understanding of the past for not only ourselves but generations to come, and there was significant funding for the upgrade of memorials.

The Doncaster RSL in my electorate does fantastic work, and I am very proud to be a member. It received a grant from the former government to upgrade its memorial. The memorial has served as an appropriate recognition. As the number of people attending the Anzac Day and Remembrance Day services increases, it is a way to maintain the connection to the sacrifice that was made by so many Victorians and so many Australians.

I take the opportunity to acknowledge the work of the former Premier, Ted Baillieu, as the chair of the Victorian Anzac Centenary Committee. This important work has bipartisan support, and Ted Baillieu has done an incredible job in advocating, leading, speaking to, educating, communicating and, importantly, connecting Victorians with those who went before us 100 years ago. He has worked particularly hard to enable people to reconnect through their families and their communities to what happened in the past. In the coming weeks there will continue to be a wonderful recognition of the sacrifice that has been made.

With those comments I am pleased to say we support this bill. I am pleased it has such significant bipartisan support. Importantly, the maintenance of the memorials and the protection of the cremated remains of our veterans is the right solution in acknowledging their sacrifice, their service and their contribution to this country.

Mr MELHEM (Western Metropolitan) — The Cemeteries and Crematoria Amendment (Veterans Reform) Bill 2015 amends the Cemetery and Crematoria Act 2003 to ensure that due respect is

accorded to the veterans who served in Australia's armed forces and whose cremated remains are now interred in Victorian public cemeteries. The bill addresses the current gap in the law by giving cemetery trusts a framework to enable them to appropriately manage the cremated remains of veterans that have limited tenure interment. It is long overdue.

Ms Wooldridge — You're not going to make this political, are you?

Mr MELHEM — I note the comments by the Leader of the Opposition on this bill. We welcome her party's support, and it is important to note that prior to the election the former government had the chance to have this bill ready and passed by the Parliament, but obviously it did not have the time to do it. We are pleased that we can now act on the bill, particularly as we approach the 100th anniversary of the Gallipoli campaign. I note that this bill is to be supported by every member of the house. It is an important bill for people in our community and an important reform for veterans and their families.

The Andrews Labor government respects our veterans. It is fair to say that every Australian respects our veterans because without their contribution and their sacrifice we would not be enjoying the things we take for granted today. There is universal support for making sure our veterans get the recognition they deserve. As I said earlier, the bill is particularly important because this year marks the 100th anniversary of the landing in Gallipoli, and we all must recognise the service and the sacrifice of those Australians who have served in war or peacekeeping operations. We still have many thousands of Australian service men and women serving our country abroad, and they do a tremendous job in not only keeping us safe in Australia and defending our way of life but also travelling outside this continent helping protecting others who unfortunately find themselves in difficult situations.

The bill seeks to address the gap that exists in the current legislation. As members will note, there is no legal requirement to inter cremated remains in a public cemetery. However, people who want the cremated remains of their loved one to be interred in a public cemetery have a choice: they can purchase either the right to perpetual interment of the cremated remains or a limited tenure right, which will endure for 25 years and involves a lesser cost. Victoria's cemeteries obviously reflect changing patterns of death, observance of religion and community expectations about how we memorialise and how we remember people. Today approximately 65 per cent of people who die in Victoria are cremated; the number of people

choosing cremation continues to increase over time. Public cemeteries are governed by cemetery trusts, and these trusts are sole-funding entities and have a statutory obligation to make sure that they look after the perpetual maintenance of the cemetery. I think there was a levy put in place some years ago to make sure that cemeteries have enough funding to perform that job.

The bill will address the current gap. Currently, after 25 years the remains of a returned servicemen can be taken away and spread over the flowers or other arrangements in the cemetery. There is a process that cemeteries will have to go through before they get to that stage to try to track down any descendants or relatives of the deceased. If that is not possible, then unfortunately these remains will be scattered around the cemetery grounds. I do not think that is the right thing for us as a country to do to these heroes who put their lives at risk to maintain our freedom. The bill will impose an obligation on the cemeteries.

My understanding is that cemetery trusts and the people in the industry are very supportive of this measure. This is not something they are going to object to; in fact it is something they have been campaigning for and they will welcome. If the cemetery is not able to find relatives or descendants of the person, then a war veteran's remains will not have to be removed or scattered around the place. They will now have the perpetual right, which is long overdue. They will be there for eternity.

The Leader of the Opposition in her contribution to the debate talked about the implementation guidelines and how we can assist the cemeteries. I think she made a very valid point, and it is something the government had in mind. A process will be put in place to consult with stakeholders to make sure proper guidelines have been established to ensure that we achieve the result that this Parliament will be voting on shortly. We wish to give the respect to war veterans that they deserve. That process will commence, as the Minister for Health has indicated. The Department of Health and Human Services will publish guidelines for cemetery trusts about how to give effect to the provisions of the bill. This guidance will assist in ensuring that the policy objectives of the bill are met. The guidelines will also be developed in consultation with key stakeholders in the cemetery sector, and feedback will also be sought from the Returned and Services League. The guidance material will be especially useful for the volunteer cemetery trusts across Victoria.

Victorian cemetery trusts vary significantly in size and scale. They range from large metropolitan and regional

class-A trusts, which are multimillion-dollar public enterprises that collectively inter thousands of people a year, through to very small class-B rural cemetery trusts, which may perform one or two burials per year. There is a large range of sizes of cemeteries, so you cannot have one guideline. There needs to be flexibility in the guidelines, which is why the consultation will take place with the stakeholders. We want to make sure that we develop appropriate guidelines. As I said, there are about 496 cemetery trusts in Victoria, and all but 5 are B-class trusts. The B-class trusts collectively inter approximately 5000 deceased people per year, and the majority of those are buried rather than cremated.

There are cemeteries that are run by local councils or volunteers, and the government greatly appreciates the dedication and service of volunteers in the cemetery sector across Victoria. It is something for which we cannot thank people enough. The voluntary work they do for the upkeep of the cemeteries is invaluable. Also, there is other responsibility in relation to the commonwealth Office of Australian War Graves. There will be further consultation with that organisation to ensure that both the state and federal bodies are working together to achieve the aims of this bill.

In conclusion, I want to repeat what I said earlier: remembering our veterans is very important, as it continues to remind us of the tragedy of war and the sacrifices the veterans have made for our nation through their service. There are over 84 000 official war graves or memorials established in Victoria across at least 484 Victorian cemeteries. The majority are located in the Springvale memorial gardens. As we commemorate the centenary of World War I, it is sobering to remember that many Australian veterans who have served in conflict and peacekeeping missions throughout the world are interred and memorialised in Victoria's cemeteries.

One of the most visited military graves in Victoria is that of Captain Albert Jacka. Captain Jacka was the first Australian to be awarded the Victoria Cross in World War I for his actions on 19 May 1915, three weeks after arriving at Gallipoli. After the war Captain Jacka went on to serve his local community with distinction as a councillor and mayor of the City of St Kilda. He died suddenly in 1932 of an illness resulting from his war service and was buried with full military honours at St Kilda Cemetery, which is now governed by the Southern Metropolitan Cemeteries Trust.

John Saddington, who was in the public gallery today, is another person I would like to acknowledge for his long and hard-fought campaign to bring to our attention the issue of caring for the remains of veterans. He is a

former board member of the Southern Metropolitan Cemeteries Trust and a former official of the Australian Workers Union. When I was state secretary of the Australian Workers Union I had a meeting about this meeting with the former Premier, Ted Baillieu, and with the former Minister for Veterans' Affairs, Mr Delahunty. I also had several meetings with the then Leader of the Opposition, Daniel Andrews. I remember that at one of those meetings Labor made the commitment that if elected, it would make it a priority for the remains of veterans to be properly looked after.

I acknowledge the work of John Saddington and also the support provided by people I mentioned earlier. To John I say, well done. His story tells us how passionately some people in our community feel about this issue. Another person, historian Carl Johnson, was quoted by the *Herald Sun* as saying, 'These men are national treasures' — and I include women too. That is a great description, and we should look after our national treasures. It is the least we can do for them. I commend the bill to the house.

Ms HARTLAND (Western Metropolitan) — I will speak only briefly on this bill today, and that is not because the Greens think it is unimportant. This is an extremely important bill because it makes sure that veterans and their families are respected. We all know that veterans memorials are a part of our shared history. If you go to any country town, you can see an honour roll with the names of 15 people inscribed on it. That might seem like a small number, but when you consider that a town may have only had a population of 100 people, you can see that it made a significant sacrifice. An example of such sacrifice is the Bacchus Marsh Avenue of Honour, which was built by people who lost family members during the First World War.

In my travels I have had the honour of visiting large and small memorials in various places. We know that these memorials mean different things to each of us, but when I look at the names of young men and women who lost their lives to war, I see the terrible toll it took on their communities and families.

What is important about this bill is that it clarifies the issue of the law with regard to the remains of veterans. We support the protection of the remains in the case of limited tenures, and we believe that the options provided for managing those remains in the circumstances where family members cannot be reached are appropriate and reasonable. It is also important for future generations to be able to acknowledge the sacrifice of these people. Hopefully they will also learn how various wars started and how we can prevent wars in the future.

Mr DRUM (Northern Victoria) — This bill, as has been already mentioned, has effectively already been debated in this chamber. The previous government introduced the Cemeteries and Crematoria Amendment Bill into the Parliament last year, with the full intention of having the bill debated here and then in the lower house. Last year I gave my word to the RSL chairman and president that the coalition government would get this bill through. However, there was one proviso, and that was the promise from the then Leader of the Opposition that Labor would also allow debate on the bill. A promise was given to the RSL that there would be no shenanigans and no filibustering; that this bill to look after the remains of our cremated veterans would be debated last year and that we would have legislation in place before Christmas.

That promise was broken. The original bill was not debated in the lower house, but now, thank goodness, it has been brought back to the Parliament pretty much as it was previously written. Let us not kid ourselves, let us not try to rewrite history, let us not have members from the other side saying there was some ungodly delay. There was a delay, and it was purely brought about by the Labor Party.

Ms Shing — That's just not true.

Mr DRUM — As I say, my Dad told me to never talk to fools. Mr Melhem has gone to many of the bill's details. It is true that the 25-year tenure for many of the interments has created a continual problem for many cemeteries because they then have an issue with what to do with these remains. Up until now it was handled on an ad hoc basis. This bill is going to give many cemeteries the ability to either leave the remains where they are or move the remains to a new site where there may be more space. It is going to give cemeteries the opportunity to put in place practices to give these remains the respect they deserve.

It is extremely important that the views and feelings of family members are taken into account. In South Australia, where similar legislation has not been introduced, the problems are very real. The remains of a number of veterans have been scattered, and that cannot be undone. It is sometimes difficult to locate families when tenure comes to an end. In passing this legislation we will give cemeteries the opportunity to act as necessary to do this work.

The passage of this legislation is also very timely as we prepare to commemorate the centenary of the landing at Gallipoli on 25 April. There has been a long build-up to the commemorative services that will be held around the nation on that day, but we must continue to remind

each other that the First World War was a four-year conflict and that some of the hardest battles and heaviest losses for Australians took place towards its end. Important relationships were forged in that conflict. In Villers-Bretonneux schools play the Australian national anthem on a daily basis and have signs stating that they will never forget Victoria or Australia.

Our relationship with Turkey is also worthy of comment; construction is underway at the Shrine of Remembrance of a magnificent sculpture representing and strengthening the bond between Victoria and Turkey. We also have close ties with Greece. Many of our troops were stationed on the island of Lemnos in the lead-up to the landing at Gallipoli. It has been said many times over the past year that we are commemorating a four-year conflict and all the significant events that took place along the way — not just those that occurred on the Gallipoli peninsula.

I want to echo Ms Wooldridge's comments about Ted Baillieu. The former Premier has done a mighty job as chair of the Victorian Anzac Centenary Committee, leading the way for Australia in veterans affairs. The work he has instigated at the shrine has turned a dusty old gallery into a state-of-the-art centre that will pass the baton of knowledge on to hundreds of thousands of schoolchildren each and every year. It is an amazing project that has now been completed for an investment of \$45 million. It will be one of Melbourne's great tourist attractions as well as a memorial to all those who served this nation in conflicts overseas and did not return.

It is great that we are going to be able to pass this legislation. It will give our veteran communities some peace of mind. We thought this legislation would be passed last year; that did not work out, but the work is now done. We have been able to avoid the problems other states are encountering. Once the changes have been enacted by the different cemeteries, the necessary processes will be in place.

Mr ELASMAR (Northern Metropolitan) — I rise to support the bill before the house, the Cemeteries and Crematoria Amendment (Veterans Reform) Bill 2015. On 25 April this year Australia will commemorate the centenary of the Gallipoli landing. The First World War, 1914–18, was Australia's first military catastrophe in terms of the number of Aussie diggers dead, wounded and missing in action, so when this bill came up last year I was pleased to see proper crematory arrangements being put in place to protect the remains of those who fought and sacrificed their lives for democracy.

The bill will amend the Cemeteries and Crematoria Act 2003 to ensure that proper dignity is afforded to the cremated remains of veterans who served in Australia's armed forces and now lie in their final resting places — Victoria's public cemeteries. The bill will address a gap in the law, providing a clear mechanism to enable cemetery trusts to appropriately manage veterans' remains that have limited tenure interment. The Department of Health and Human Services will provide guidance to cemetery trusts in implementing the changes made by this bill.

The bill will give cemetery trusts options in terms of the management of veterans' remains where family members are not able to provide instructions. Under the current system cemetery trusts have the right to disinter cremated remains after their 25-year tenure expires. The community is rightly concerned about the redistribution or disposal of veterans' remains. So many of our veterans still lie in graves in foreign lands, and this bill ensures that those who did return home, tragically in body bags, are granted dignified, perpetual peace. I commend the bill to the house.

Mr DAVIS (Southern Metropolitan) — I am pleased to rise to speak on the Cemeteries and Crematoria Amendment (Veterans Reform) Bill 2015. This is essentially the same bill that I introduced in this chamber last year. I place on the record my thanks to the Department of Health, as it then was, for the work that was undertaken on this bill at the time. I particularly thank the Ministerial Advisory Committee for Cemeteries and Crematoria that looked at this issue, because it was that broadly based committee representing large cemeteries and small cemeteries from all over the state that came up with the solution which has ultimately been adopted. I acknowledge the work and the input of the RSL through a series of meetings that I and others had with the RSL to work through a suitable solution. I also acknowledge that there was significant input from individual cemeteries and RSLs across the state into this process.

It is unfortunate that the former opposition did not allow the bill to progress through this house and, through its shenanigans and misbehaviour in the lower house, would not allow it to pass what I think ought ultimately to have been an absolutely bipartisan bill at the time.

Ms Shing interjected.

Mr DAVIS — The fact is that the numbers were not in the lower house. In fact the then opposition opposed this bill coming onto the notice paper in a timely way. The record is very clear. It was passed successfully

through this chamber, with the support of all members of this chamber, and was then subject to the mischief and shenanigans in the lower house that were very much the activities of the then Labor opposition.

Let me be very clear — —

Ms Mikakos interjected.

Mr DAVIS — It is very sad indeed, to pick up the words of Ms Mikakos, that this bill could not have been passed last year. Notwithstanding that, the bill will be passed this year. I welcome the fact that the bill will be passed this year and that the outcome sought by many in the community, many in our RSLs and many of those in the cemeteries and crematoria sector will be achieved. That is a good result for the community, but it ought not to have been subject to the shenanigans of Labor in the lower house in the last Parliament. Let us be quite clear about what occurred.

I pay particular tribute to the RSL and the many discussions that were held with the RSL. I pay tribute to former Premier Ted Baillieu for his advice on matters around this, and I also pay tribute to staff in the protocol units in the Department of Premier and Cabinet.

The bill appropriately acknowledges the significance of our war dead. It makes clear that there ought to be a better solution than currently exists for the treatment of their cremated remains and ensures that we will get a good outcome, which is appropriate in this year, 100 years after the Gallipoli landings and activities and the significant impact they had on Australia. Equally I believe the community as a whole will welcome the bill. When I moved around at the time the bill was being discussed initially, there was very broad support for it. It is something that the community can be proud of and the Parliament can ultimately be proud of having passed. But I record my disappointment in and my sadness at what I think was the opportunism of Labor in the last Parliament.

Ms SHING (Eastern Victoria) — It is a great source of pride for me to make my contribution to the debate on this bill today. I have noted the many and varied contributions from members around the chamber this afternoon, which were in support of the bill itself, in support of its stated intention and in support of the desired outcome of providing closure, dignity, respect and the necessary level of honour to fallen victims of war.

However, I place on the record, as previous speakers have done, my dissatisfaction with what has been the unfair, inappropriate and inaccurate labelling of Labor's actions as shenanigans and the attempt by the now

opposition to blame Labor for this legislation not coming up for debate before the election. In fact a bill very similar to the one before us today was introduced in both houses of Parliament and second read. But the government of the day, holding as it did the capacity to generate its own business program, did not prioritise it beyond that stage, despite having the numbers in both houses to deliver on the promise that Mr Drum has indicated he made to various people about making sure that this bill would become legislation, which is what we are here to do today.

The Andrews government respects veterans to the point where it has prioritised this bill. We respect our veterans to the point where we have acted swiftly and decisively to pick up the range of consultative recommendations made by various stakeholder groups, including the RSL, cemeteries trusts and the many volunteer bodies which have committed so much of their time and energy to shaping the way the bill now looks.

We put forward this bill to ensure that the cremated remains of veterans, namely the men and women who served the nation in our armed forces, are treated with due dignity and respect. Due dignity and respect requires that the remains of fallen soldiers are identified, recognised, memorialised and located. It is important to ensure that even when there are no longer relatives to identify those who have fallen as a consequence of war we do not neglect our duty to respect, honour and pay tribute to the most significant of sacrifices of the many people who acted and gave their lives for Australia. We have to recognise the service and sacrifice of every single Australian who served in war or on peacekeeping operations whose remains might otherwise be lost and whose stories might otherwise go untold or steadily fall into the cracks of history.

The bill responds to community concerns that the cremated remains of veterans interred for a limited tenure in public cemeteries might be scattered by cemetery trusts at the end of their tenure. This is one of those difficult balancing acts which seeks to remove the time frames that were otherwise operational for the scattering of ashes to make sure they are held in perpetuity. The bill provides that the right to perpetual interment of cremated remains can be purchased or a limited tenure right of interment which endures for 25 years can be purchased at a lesser cost. It will also make sure that as a consequence of the process undertaken by cemeteries, when the bill becomes legislation, people will not be lost or forgotten.

The risk that veterans' cremated remains might be scattered attracted public attention in 2011 when a cemetery trust in metropolitan Melbourne placed a notice on the plaque of a veteran's grave as a way of trying to alert the holder of the right to interment of the impending expiry of the interment tenure. After public concern, and as previous speakers have indicated, there was wide-ranging consultation. The incident highlighted the fact that cemetery trusts do not currently have a legal framework to assist them to appropriately manage veterans' cremated remains at the end of limited tenure interment.

This is the consequence of the different legal frameworks of various cemeteries and cemetery trusts and the variation in cemeteries throughout Victoria as far as size and scale are concerned. On the one hand we have large metropolitan and regional class A cemetery trusts that are multimillion-dollar operations with very streamlined processes and procedures, and on the other hand we have smaller rural cemetery trusts that may only perform one or two burials per year.

Let it not go without saying that the governments of today, tomorrow and yesterday appreciate the dedication and the service of volunteers in the cemetery sector across Victoria. They are responsible for making sure that stories are told, remembered and not forgotten and that those stories are, wherever possible, placed into the historical context in which they came about. To that end, this bill will provide a level of certainty, of perpetuity and of recognition which does a better form of justice to the contributions made by Australians in giving their lives.

This year this issue is a matter of particular public importance because we commemorate the Gallipoli landing 100 years ago. We commemorate the past loss of life. We commemorate the stories of people, often very young, who were taken before their time, often alone and in horrendous circumstances. It is appropriate and fitting that they not be alone or forgotten in this way and that they be allowed to be remembered and respected with dignity.

The bill's provision of increased powers to trusts to enable them to appropriately manage the cremated remains of veterans at the expiry of a limited tenure interment is a prime example of practical respect and dignity. It has been proposed to recognise the contributions of veterans and their families to ensure that cremated remains are not scattered but are preserved. The bill means that cemetery trusts will have options to manage identified veterans' ashes in a respectful manner that ensures that cremated remains are not lost, are not scattered and are preserved.

It is not envisaged that there will be significant costs for cemetery trusts as a consequence of the operation of the bill when it becomes legislation. It is designed to ensure that families have the greatest possible degree of control over the way in which their loved ones' ashes are processed and handled. It means that we will not forget the history that has led us to this point and that we will continue to honour and pay tribute to those who have given their lives. With that in mind and noting the contributions of other speakers in this place, I am fortified by the knowledge that there is no opposition to this proposal or to the contents of the bill itself. I commend the bill to the house.

Mr FINN (Western Metropolitan) — I rise this afternoon, with a great deal of pleasure, to support this bill. I give due credit to both sides of the house for the work that has been done last year and this year in ensuring that this legislation has got to the point that it now has. As we approach the 100th anniversary of the Anzac landings at Gallipoli, it is probably a very appropriate time for this legislation to come into law, as it clearly will, because the Anzac story is very special to Australia and to Australians.

Every veteran is very special to Australians, whether they fought at Gallipoli, in World War II, in Korea, in Vietnam, in Iraq or in Afghanistan. It is important that we respect those who have fought for us and for freedom, because Australia has a great legacy of fighting for freedom. Whenever freedom has been under attack anywhere in the world, Australia has sprung to its defence. That is something we should all be very proud of. It is something I do not think we appreciate quite enough sometimes, but it is something we as Australians should be particularly proud of and for which we should show particular gratitude to our veterans.

It is a pity that my old mate Bruce Ruxton is not here to see this legislation go through, because he would be rapt to the back teeth. He would be very pleased. Bruce and I go back a few years. Unfortunately he has left us now, but he was a great character and also a great champion of veterans. Whatever one thinks of some of the more outrageous comments he made from time to time, there is no doubt that Bruce Ruxton would always put veterans first, second and third. I remember him with his hands in his pockets many times — I do not know how many times — going out of his way to help veterans' families, and as Victorians we can be particularly proud of him. Yes, he served his nation in war, but he served his nation to a far greater extent and perhaps even to a more important extent in his capacity as president of the RSL here in Victoria over such a long period of time.

It is a great pity for a number of reasons that Bruce Ruxton is not here. It is St Patrick's Day, and I remember that he used to come when we had the St Patrick's Day dinners here years ago. He used to come into this place, and we would all have a beer or two — we might even have had a beer or 20 — and we would all celebrate — —

An honourable member interjected.

Mr FINN — No, it was before Daniel Andrews brought in the breathalyser. We celebrated the great wonder that the Irish contributed to Australia, and we have to accept that many Australians of Irish heritage are the veterans we are talking about. We show them gratitude as well.

Those of us who have been to war cemeteries overseas will know just how moving they are. Ms Mikakos is sitting on the other side of the chamber, and I recall that some years ago, when we were in Israel with a delegation, we visited a war cemetery. It was Beersheba, from memory. I was overwhelmed — —

Ms Crozier interjected.

Mr FINN — I was an extremely proud Australian, but I was overwhelmed with the realisation of the sacrifice of those soldiers. I was going to say men, but they were not men; many of them were boys. I saw graves in that cemetery in Israel that showed that those kids were the same age as my eldest child — 16 or 17 years of age — when they went over there to fight for Australia. They did not come home, and they lie in graves, whether in Beersheba, in Gallipoli, in France or in Egypt — in a whole range of places overseas — and they are given the respect that is their due. It would be ironic to say the very least, given the enormous respect the mortal remains of our soldiers are given overseas, if they were not given that same degree of respect in Australia.

If one goes to Arlington National Cemetery in Washington, DC, as I have — I do not know how many other members of the chamber have — one sees that it is a moving testimony to the great respect and gratitude the American people have for their veterans. It is not just a place where John F. Kennedy, his family and Robert Kennedy are buried or where the space shuttle *Columbia* has a memorial; it is a place where acre upon acre of veterans' graves are located. I remember visiting the cemetery and seeing the sign that says it is an operating cemetery and to show respect. It is not a tourist park; it is a cemetery. The American people show enormous respect, and they would be quite surprised to see that we have a need for such legislation

as we are debating today, because I am sure they would take it almost as given that you would never scatter the ashes of a veteran at any time, and that is an important component of this bill.

Cemeteries are special places. I visit the graves of my parents at the Colac Cemetery, and there are three if not four generations of Finns in that cemetery. They are very special places for the families and loved ones of those who have gone before us. They are places we can go to remember and perhaps shed a little tear from time to time in memory of those who were close to us and are now gone. The final resting place of anybody is a special place, but our veterans take that to a higher plane, if you will, in that the final resting place of a veteran is somewhere each and every one of us has the opportunity to show our gratitude for the contribution they have made to Australia in protecting the Australian way of life.

War cemeteries and days like Anzac Day and Remembrance Day are all part of the process of remembering and honouring those who have fought for Australia. Some have said over the years that these places and events are about glorifying war, but that is an absolute nonsense. Nothing could be further from the truth. Whether it be Anzac Day, Remembrance Day, a war cemetery or giving veterans a special place in legislation, it is not about glorifying anybody, it is about showing gratitude. It is about saying thank you to those who in many cases have given their lives for us. The very least we can do is to show gratitude for the enormous sacrifice they have made.

Many of the veterans who returned to Australia after both world wars, and even as recently as the Afghanistan and Iraq wars, are suffering from a number of different diseases as well as psychiatric disorders because of what they have seen and what they have been put through. They too are people who we should respect and hold in the highest esteem.

This very important bill is about protecting the cremated remains of veterans in cemeteries in Victoria. It brings into law something that we all know and feel — that those who have fought and died for Australia and for the Australian way of life are very special and deserve our gratitude and our respect.

Ms CROZIER (Southern Metropolitan) — I am also very pleased to speak to the Cemeteries and Crematoria Amendment (Veterans Reform) Bill 2015. As has already been stated, a bill which was essentially the same bill was introduced into this place last year. The bill amends the Cemeteries and Crematoria Act 2003 to provide for the conversion of a right of

interment for interring cremated human remains of deceased identified veterans for 25 years to a perpetual right of interment, and in the case of other family members, where the interment of cremated remains can be identified, they can be moved in those specified circumstances by various family members if it is deemed appropriate.

The bill is important, and I am pleased that there is bipartisan support for it. I want to comment initially on what the previous Minister for Health did. He understood the necessity for this issue to be considered, and did so through, as he alluded to in his contribution, the advisory committee that he put together. I also pay tribute to the RSL state president, Major General David McLachlan, who back in 2013, when the issue was first raised, really understood the importance for family members and those veterans who have gone before us of what we need to do to respect their memory.

Mr Finn has spoken articulately on this issue this afternoon. He reminded me of various trips I have had the privilege of taking over the years, including to Gallipoli and Beersheba, and the enormous and very moving moments one has when visiting those war graves and understanding the significance of the service given to our country by war veterans over many years. As we approach the centenary of Anzac, this becomes even more relevant.

In view of those sentiments, it was important that the bill be introduced. As I said earlier, the former Minister for Health, along with Major General David McLachlan, fully understood the issue. An article published in the *Age* during 2013 stated:

The RSL has raised concerns about cemeteries scattering the ashes of veterans after time limits have expired and the cemetery has been unable to contact relatives.

Therefore it was something about which the RSL was concerned, as well as the former government. The issue had not been addressed. We initiated what was the Cemeteries and Crematoria Amendment Bill 2014 in this house in order for that problem to be rectified. An extract from the second-reading speech of that earlier bill stated that it was a relatively straightforward bill, that it would not create any huge partisan divisions, that there would be bipartisan support — as there is today for the legislation — and that the changes were relatively small. However, they were significant changes, representing a change in the way we as a community recognise those veterans and honour and manage the limited tenure of the cremated remains of those deceased veterans. That was what was so important.

It is therefore very disappointing for me that some members have come into this place and politicised the issue. We know what the former government did, we know what the RSL's views were, and the RSL certainly knows what the former government did. Mr Drum spoke about the achievements of the former government and referred to a number of initiatives. I recognise the work that he and other ministers in the former government did to initiate grants to restore the community war memorials and the avenues of honour. I acknowledge the Spirit of Anzac prize and the significant work that was undertaken is looking into the future needs of war veterans. The bill introduced in 2014 was partly in recognition of those needs, and it is important that I place on the record the work of the previous government.

I suppose it is comforting to know that the RSL understands the work that was done. Many members of the community, including the war veterans community, understand the work that was done. Therefore I was a little disappointed to read in a media release from the Andrews government:

This legislation was introduced into the previous Parliament but unfortunately wasn't brought on for debate by the former Liberal government.

We all know why that was. It was because for the last six months of the previous government the government business program was blocked every single week. I cannot believe the audacity of the government in making it sound like it has initiated this measure when in fact it was the previous government that consulted those people and worked in this area and on the bill that was introduced in 2014. However, because of activities in the other place, that bill was never passed.

Mr Finn — It was pretty low what they did, really.

Ms CROZIER — I do not think it gave that bill any dignity, and the operations of the then opposition certainly did not give the chamber the dignity it deserved in the context of that bill. I am glad that we are debating this bill today and that we have bipartisan support in getting it through. As I said, it is important in this year of the centenary of Anzac that this bill pass today. I look forward to it doing so, and with those words I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Ms MIKAKOS (Minister for Families and Children) — By leave, I move:

That the bill be now read a third time.

In doing so I thank all members for their support for this significant bill.

Motion agreed to.

Read third time.

BACK TO WORK BILL 2014

Council's amendment and Assembly's amendments

Message from Assembly relating to following amendment:

Council's amendment:

Insert the following New Clause to follow clause 53 —

“A Back to Work Scheme reports

- (1) At least once every 3 months the Commissioner must publish on the Commissioner's website a report of the operation of the Back to Work Scheme.
- (2) The report must contain the following information in relation to the period covered by it —
 - (a) the total amount paid under the Scheme;
 - (b) the total number of Back to Work payments made;
 - (c) the number of Back to Work payments made in each municipal district;
 - (d) if Back to Work payments were made according to different eligibility criteria, the number of Back to Work payments made according to each of those criteria;
 - (e) the name of any person to whom Back to Work payments in respect of more than 100 eligible employees were made.
- (3) For the purpose of subsection (2)(c), a Back to Work payment is made in the municipal district in which the person entitled to the payment has their usual place of business or, in the case of a body corporate, their registered office.
- (4) In this section —

municipal district has the same meaning as in the Local Government Act 1989.”.

Assembly message:**Council's amendment agreed to with following amendments:**

- (1) In subclause (2)(c) omit "municipal district" and insert "postcode area".
- (2) In subclause (2)(e) omit "person to whom" and insert "claimant to whom, or for whose benefit,".
- (3) Omit subclauses (3) and (4) and insert —
 - "(3) For the purposes of subsection (2)(c), the *postcode area* is the postcode of the area in which an eligible employee is primarily carrying out their employment.
 - (4) Despite meeting the eligibility criteria for a claim, a claimant is not eligible for a Back to Work payment unless the claimant consents to the claimant's name being published in accordance with subsection (2)(e) if payments are made in respect of more than 100 eligible employees, whether in relation to that claim or any future claim."

Mr JENNINGS (Special Minister of State) — I move:

That the Council agree to the amendments made by the Assembly to the amendment made by the Council.

For the benefit of the Council I will outline in substance what we are dealing with today. The government made a significant election commitment to introduce the Back To Work legislation, which has previously been debated in the Parliament and which was amended — this is the original bill proposed by the government — in the Council on 26 February. Today the government intends to further amend the amendments made by the Council in the name of making sure that the intention of the Council, in terms of providing feedback mechanisms and an accountability framework that were the spirit and tone of the Council amendments, is delivered by the government in a way that is administratively appropriate in relation to its delivery by the State Revenue Office.

Just to remind members, I note this piece of legislation was designed to try to stimulate job opportunities for unemployed Victorians, people who have been made redundant or people who need to be retrained and need to have opportunities created for them. It certainly by design is meant to create an incentive for up to 100 000 Victorians to find employment within the next two years. The budget allocation that has been attached to this piece of legislation is designed to support payroll deductions for employers who take into their enterprises certain categories of unemployed persons, and the legislation provides for a scheme that will

enable that to be administered efficiently by the State Revenue Office and that will at the earliest opportunity — and indeed in the government's intent from 1 July — provide an extra incentive for employment generation in Victoria.

The amendments made in the Legislative Council on 26 February, as I have indicated, were made in the name of the Council's intention to increase some degree of accountability by requiring the government agencies to provide reports to the community about the take-up of the scheme as a demonstration of its effectiveness, whether that be by geography or by enterprises that may have provided great new job opportunities for Victorians. When this was considered in the Council the government drew attention to a number of administrative difficulties that may have been experienced in complying with those amendments.

These basically fall into two categories. One is in relation to the availability of information that would outline the employment location by municipal area, as was proposed in the amendment moved in the Council. After due consideration and consultation with the coalition and the Greens in particular, the government has responded by trying to find an accommodation where, rather than having a requirement to report by municipal areas, there is an obligation and an expectation to be able to report by postcode as the definition of the geographic area in which that employment opportunity is created. That is one effect of the amendments the government moved and passed in the Assembly today, which I am currently putting to the Council that it agree to. It would mean that we remove 'municipal district' and replace it with 'postcode area' as the description of where the job opportunities are being created.

The second part of amendment 3 is in relation to the availability of information when an employer has within 6 months created in excess of 100 additional employment opportunities for Victorians. That would be administered through the creation of a report-back mechanism by which any employer who has employed more than 100 persons through this scheme will be obliged to report that on a six-monthly basis. There will be the administrative overlay that, to ensure that there is compliance with existing taxation arrangements and the reporting obligations of the State Revenue Office, the claimant — that is, the employer — in achieving that degree of application will consent to the name of their enterprise being shared in the public domain. That is the effect of that amendment.

The Treasurer, who is a very keen proponent of this piece of legislation, believes that if any employer does create 100 job opportunities for unemployed Victorians, not only would they be happy and proud to have their name published and reported on but he would anticipate that they may line up with him, with other members of the government or with other prominent members of the Victorian community and have their photo taken to celebrate that outstanding take-up of the scheme.

Mr Herbert interjected.

Mr JENNINGS — I would think, Mr Herbert, that anybody in Victoria would be pleased if in the next two years any enterprise in Victoria did create job opportunities for 100 or more Victorians through either this scheme or any other mechanism. If that happened, we in the Victorian Parliament and members of the community would be happy.

They are the effects of the amendments. I anticipate that a number of members of the chamber will wish to make a contribution along the lines of not only recognising the importance of this scheme and this legislation and expressing the hope that the Parliament has about the legislation having a positive impact but also beyond that taking due credit for their role in amending the scheme and wishing it well as it passes the Parliament today. Certainly that is my expectation and hope. It is what the government has focused on in the weeks between 26 February and today — trying to make sure that this bill can be passed and, most importantly, that the scheme can be enacted within the time frames that were originally envisaged by the government.

With those words, I encourage the participation of Council members and I hope they share my view about the importance of this piece of legislation being passed today.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to speak on the motion moved by the Leader of the Government with respect to the Assembly's response to the Council's amendment to the Back to Work Bill 2014. This is the subject matter which in the last sitting week exercised a fair bit of the time of members, both within the chamber and outside it, to come to a resolution of some of the issues. In the last sitting week members were seeking to provide greater transparency around the operation of the Back to Work scheme. The rationale for that was that much of the detail of the scheme was opaque. It was not addressed in the legislation; it was to be addressed in guidelines to be gazetted by the Treasurer, which had not occurred.

Through the Leader of the Government, in the committee process some of the details of the proposed guidelines were established for the first time. I note the reference by the Leader of the Government to the significance of this legislation and the support he expects the chamber will give it. Obviously having that detail in the legislation would have made that task so much easier.

As the Leader of the Government indicated, some of the amendments made by the Assembly address matters that were discussed through the course of the Council's consideration last sitting week of the proposed amendments. These amendments replace references to 'municipal district' with 'postcode area'. During the debate last sitting week we were happy to agree with those, and we are happy to support them as they are reflected in the amendments made by the Assembly.

The other Assembly amendment ensures that an organisation that receives more than 100 grants under the scheme will be eligible to be a claimant only if they agree to disclosure of their name. This is also a matter that the Council sought to have addressed in the last sitting week. It is interesting that the Leader of the Government has indicated that the Treasurer's view is that such employers would be 'happy and proud' to have their names disclosed. It seems ironic that two weeks ago we had so much back and forth on that particular issue if it is in fact the Treasurer's view that such employers would be happy and proud to have their name disclosed if they are recipients of 100 grants or more.

We see this provision of ensuring that they are only eligible if they agree to such disclosure as a way around what we understand were the concerns of the commissioner of state revenue around disclosure. It meets our objective of ensuring that that information on the operation of this scheme is disclosed, and accordingly we will support those amendments from the Assembly.

Mr BARBER (Northern Metropolitan) — I am delighted to say that it appears that these amendments will receive the unanimous support of the house, notwithstanding what the Vote 1 Local Jobs member might like to say to us in a moment. In the intervening time there was some discussion between various parties, including Mr Jennings, Mr Mulino and the Treasurer's office, to get us to this successful outcome.

In essence, what the Greens were seeking was to have more disclosure around the number and location of the grants that are issued and made available to the public. We would like to monitor over time how successful the

scheme has been and whether it is achieving its objective in creating new jobs in Victoria. The government has made some small amendments to our amendment, and they have received the support of my Greens colleagues in the lower house.

That has brought the bill back here for final consideration by this chamber. I am delighted to say that we have achieved this in a very cooperative way.

On election night I said that Daniel Andrews certainly has a mandate to government but that the Greens also have a mandate to do our job, which is to enhance scrutiny in the upper house. In this case we have achieved an amendment to this bill which will lead to more transparency around how a specific and very important government program is being administered.

Motion agreed to.

SUMMARY OFFENCES AMENDMENT (MOVE-ON LAWS) BILL 2015

Second reading

Debate resumed from 26 February; motion of Mr JENNINGS (Special Minister of State).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to speak on the Summary Offences Amendment (Move-on Laws) Bill 2015, which really highlights what this government is about. When we look at the legislative agenda of the Andrews government to date, and we are into our third substantive sitting week after the opening of Parliament, we see the bill debated earlier this afternoon, the Cemeteries and Crematoria Amendment (Veterans Reform) Bill 2015, which needed to pass but was a duplicate of a bill introduced by the previous government; we see the Wrongs Amendment (Asbestos Related Claims) Bill 2014, which was dealt with last sitting week but which again was picked up from work the former Attorney-General was involved with in addressing some of the issues of the Wrongs Act 1958 amendments of 2003; and on the notice paper we see three pieces of legislation which make minor amendments to the statute law with tidy ups and corrections to grammar and punctuation et cetera, all of which are very minor in nature. There was also the Back to Work Bill 2014, which the house dealt with last sitting week. It was meant to be a centrepiece of the Andrews government's legislative agenda, but the bill contained no detail and no structure around how the Back to Work scheme was going to work.

I come to the bill before the house. It is really the first substantial piece of legislation introduced by the Andrews government. What does the Andrews government seek to have as its first piece of legislation in its term of office? Is it legislation about doing something in the education system? Is it legislation about addressing challenges in the health system? Is it legislation about making the lives of Victorians better? No. This legislation is about paying off the Andrews government's union mates.

In the first 100 days of this government we have seen a trend where it is paying back favours to its union mates. Among the very first actions of this government over that 100 days was the repeal of the building and construction code of compliance. That was put in place by the previous government and the previous Minister for Industrial Relations to ensure safety and appropriate industrial practices on public sector building sites and to ensure that building projects undertaken for the Victorian government are done in accordance with the law. It is not a big ask to expect that projects undertaken for and on behalf of the Victorian government are undertaken in accordance with the law. But what we have seen as one of its first actions is this government revoking that code — to send a message to organisations such as the Construction, Forestry, Mining and Energy Union (CFMEU) that lawlessness is back in vogue, that under an Andrews government they can do whatever they like and that an Andrews government does not care about the rule of law —

Ms Shing interjected.

Mr RICH-PHILLIPS — on construction sites or in the industrial environment here in Victoria more generally. At the same time we saw the abolition of random drug and alcohol testing on state project construction sites. Again, this is a provision that the former Minister for Industrial Relations put in place to recognise that on safety —

Ms Shing interjected.

The ACTING PRESIDENT (Mr Ramsay) — Order! Ms Shing is on the speakers list and will be speaking next. I ask her to avail herself of the opportunity to speak at that time rather than making ongoing interjections.

Mr RICH-PHILLIPS — We had the bizarre situation where the government abolished the requirement for random drug and alcohol testing on construction sites — safety-sensitive environments — and instead proposed to have them in Parliament. We have a clear message coming from this government that

it does not want that sort of scrutiny and focus on workplace safety on construction sites where its mates in the CFMEU are involved. We now have before the house this piece of legislation, the Summary Offences Amendment (Move-on Laws) Bill 2015, which again is a sop to the government's supporters in the CFMEU.

Over the course of the last four years we have seen a range of scenarios — industrial disputes, picket lines — where the conduct on picket lines was inappropriate.

Honourable members interjecting.

Mr RICH-PHILLIPS — Acting President, they are getting excited now.

Honourable members interjecting.

Mr RICH-PHILLIPS — They are paying off their supporters now with this legislation.

Over the last four years we have seen protests where there has been inappropriate conduct — for example, the conduct of the CFMEU and its protests at the Grocon building site on the former Myer store in central Melbourne. Contempt of court action against the CFMEU in the Supreme Court resulted in the largest judgement for contempt of court in the state's history, and that judgement was subsequently upheld in the High Court. The conduct on that site during —

Ms Pulford interjected.

Mr RICH-PHILLIPS — I will take up the interjection from Ms Pulford, who says we did not use those laws for that. Those laws were not in place at that time, but it was as a consequence of —

Ms Pulford interjected.

Mr RICH-PHILLIPS — Ms Pulford by her interjections seems to be suggesting that the conduct on that site was appropriate, that it was an appropriate way for people to protest, to exercise and to express their view on the situation at that site. Ms Pulford is suggesting that what was seen at the Myer site was appropriate conduct by the people involved. The coalition was firmly of the view that it was not appropriate. We were of the view that that sort of conduct, that sort of intimidation and thuggery was not appropriate in any environment, be it an industrial environment or any other environment. The coalition parties do not support that sort of intimidation. We do not support the bullying and thuggery that was seen on that and so many other sites.

Last year the coalition was pleased to introduce amendments to the Summary Offences Act 1996 which put in place a framework to give Victoria Police officers and protective services officers (PSOs) the capacity to address that type of behaviour. We saw, through the insertion of new provisions into section 6 of the Summary Offences Act, criteria by which PSOs and Victoria Police could exercise powers in respect of moving people on, whether it was seeking exclusion orders or moving people on for conduct that was inappropriate in the circumstances.

Let us look at exactly what provisions were inserted into that legislation. New subsections inserted in section 6 stated in essence that a police officer or a PSO on duty at a designated place could give a direction to a person in that place to leave the place if the police officer or protective services officer suspected on reasonable grounds that certain things were happening. The coalition inserted section 6(1)(d), which says:

... the person has or persons have committed, within the last 12 hours, an offence in the public place.

This government is now seeking to delete that paragraph to repay its union mates. Is it unreasonable, in the context of a gathering or a protest et cetera, that a person who is reasonably suspected of having committed an offence in a place be asked to move on from that place? The coalition also inserted:

(e) the conduct of the person or persons is causing a reasonable apprehension of violence in another person.

This goes to the absolute heart of the issue of intimidation, thuggery and violence that we have seen at the sites.

Mr Herbert — All illegal under other acts.

Mr RICH-PHILLIPS — We hear Mr Herbert chip in. This is absolutely fundamental to the members of this Labor government. They have a lot of debts to repay to the union movement, and you can hear the protests coming from them. They know these provisions are completely reasonable. Is it unreasonable that a person who is reasonably suspected of causing a reasonable apprehension of violence in another person be asked to move on? Someone threatening and intimidating on a protest site is asked to move on, yet according to the government it is an inappropriate provision to be in the legislation. It is inappropriate for the police to have the power to move someone on who is causing a reasonable apprehension of violence in another person. It is unreasonable according to this government; it thinks someone should be able to do that without being moved on. A thug on a site should be

able to intimidate and cause a reasonable apprehension of violence in another person if they are on a protest site.

Section 6(1)(f) relates to a person or persons causing or likely to cause an undue obstruction to another person or persons or traffic. This paragraph is about allowing people to go about their rightful business. In making these amendments the coalition government recognised and supported, and continues to support, the right of people and groups to protest, to hold rallies, to hold gatherings, to have political demonstrations, to raise concerns or to put a point of view, but at the same time it recognised the rights of other citizens to go about their lawful business without being impeded by protests. That is what this section is about, recognising that if someone is causing or is likely to cause an undue obstruction to another person, people or traffic that it is reasonable for the police or a PSO, using their discretion and judgement, to move a person on.

Section 6(1)(g) deals with procuring or providing drugs of dependence as defined in the Drugs, Poisons and Controlled Substances Act 1981. Again the coalition believed that if a person was found doing that in that environment it was appropriate for the police or for a PSO to have the capacity to move that person on. Likewise paragraph (h) — which states, ‘the person is or persons are impeding or attempting to impede another person from lawfully entering or leaving premises or part of premises’ — goes to the issue of the rights of the people who are not involved in protests.

If you read the diatribe that makes up the Attorney-General’s second-reading speech — and I look forward to exploring that in some detail with the minister in the committee stage — and consider it alongside the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006, the focus is all on the protesters. There is no focus on the vast majority of Victorians who are not involved in these protests and who are inconvenienced by these protests or may be intimidated by these protests. The amendments we made to the Summary Offences Act were put in place to provide some counterbalance and protection of the rights of the rest of the population of Victoria alongside those rights being exercised by people who are protesting.

We put those provisions in place last year and provided those powers to Victoria Police and PSOs to exercise with discretion in recognition of the fact that the environment on protest sites is dynamic — things change and judgement is required by the officers who are attending, controlling and keeping the peace in those environments. From the coalition’s perspective,

we saw that it was appropriate for members of Victoria Police and PSOs to have that capacity under the legislation, and we had confidence that they would exercise appropriate judgement in the use of the powers provided by the legislation. There has been no evidence brought to this chamber and there is nothing in the diatribe from the Attorney-General or the statement of compatibility that suggests that Victoria Police has in any way misused these powers — nor has there been any reason given as to why the powers currently in the act should not continue.

It is the coalition’s view that the provisions that were put in place along with the requisite exclusion order provisions of the legislation were appropriate at the time they were put in place in 2014. In Victoria over the last five years in particular we have seen an escalation in violence, intimidation and inappropriate behaviour, particularly in relation to industrial relations protests. That was unacceptable to the coalition government, and it is unacceptable to the vast majority of Victorians. The only people it does not seem to be unacceptable to are members of the Labor Party, which owes so much to the CFMEU and other trade unions.

The coalition government put these provisions in place last year because its members believed they were appropriate. They balanced the rights of protesters with the rights of other Victorians, and they recognised the professionalism and judgement of members of Victoria Police and PSOs. It was right that they were put in place last year, and members of the coalition supported them and were very pleased to see them enacted. We believe they remain appropriate, and for that reason we will oppose the bill.

Ms SHING (Eastern Victoria) — I rise to speak in relation to the Summary Offences Amendment (Move-on Laws) Bill 2015. Before I get to the substance of the bill itself as it relates to the repeals proposed by the Andrews government, I would like to take up a number of the points that were raised by Mr Rich-Phillips in his contribution as lead speaker for the opposition. Before I quote him, I would like to look at some of the statistics that are relevant to the bill that is now before the house. In the time that Mr Rich-Phillips spent talking, it took him only 2½ minutes to refer to ‘unions’. He mentioned ‘thuggery’ for the first time 7½ minutes in, and it took him only 5 minutes to mention the Construction, Forestry, Mining and Energy Union (CFMEU). It is true to form for those opposite, who are unhealthily obsessed with the curtailment of industrial associations, including employee associations.

To that end, I note that the shadow Attorney-General, Mr John Pesutto, wrote an article in the *Australian* of 27 January headed 'Keep checks to prevent union militants flouting the law — don't buckle to the demands of the CFMEU'. In good conscience I cannot allow this to be directly attributed to Mr Pesutto in his role as Victoria's shadow Attorney-General, as it is a headline and a tagline that may have been put there by the editor in question. This is the *Australian*, so who would know? However, I went through the content of the article by Mr Pesutto, and there are 19 references to the CFMEU. This is a just-about perfect example of the ideological obsession those opposite have with removing proportionality, removing balance and removing what this bill will now achieve through striking a better equilibrium. Apparently, according to those opposite, the entire universe is going to fall apart, the sky will fall in and the existing federal and state legislative framework will cease to be operational or effective in any way, shape or form because the unions are going to take over everything.

In fact nothing could be further from the truth, because what this bill does — what government members have always said we would do — is remove the move-on powers that were brought in via the Summary Offences and Sentencing Amendment Bill 2013, which was passed in February last year. It removes those powers which go over and above — which are not just belt and braces but rather are belt and braces and tuxedo and onesie and another belt and a couple more items of clothing to keep the pants up! These additional provisions give rise to unintended consequences that create a significant disadvantage for people who are vulnerable and who should be in a position to be able to exercise their rights to movement, to freedom of expression, to participation in lawful industrial activity and to movement around in the community without the fear of an unintended consequence put in place by those opposite.

The former government's provisions moved away from the objective criteria of the Summary Offences Act 1966. Those provisions enabled police and protective services officers (PSOs) to direct someone to move on where they reasonably suspected that person had committed an offence in a public place within the last 12 hours; was causing a reasonable apprehension of violence in another; was causing, or was likely to cause, an undue obstruction to another person or to traffic; was present for the purpose of unlawfully procuring or supplying, or intending to unlawfully procure or supply, a drug of dependence; or was impeding or attempting to impede another person from lawfully entering or leaving premises or part of premises.

These are impressive words, and if you were to read them in isolation you might think that this was decisive action creating a brand new landscape of law and order. But once you scratch beneath the surface it all just starts to fall apart, because police officers and PSOs, as I would hope those opposite understand, retain a wide variety of statutory and common-law powers which will still enable them to direct a person to move on from a public place where they suspect on reasonable grounds that the person is breaching, or likely to breach, the peace; the person is endangering, or likely to endanger, the safety of any other person; or the behaviour of the person is likely to cause injury to persons or damage to property or is otherwise a risk to public safety.

Secondly, this bill will provide that once again move-on powers will not apply in relation to a person who is picketing a place of employment, demonstrating or protesting about a particular issue or otherwise publicising their view about a particular issue. It is crucial to note that people are not simply being cast into the wilderness should they wish to exercise a legal right or seek to enforce a remedy through the courts or a regulatory framework. There is still capacity for injunctions to be sought. There is still capacity for the federal law to intervene to provide a remedy immediately and there is still capacity for the criminal law to operate.

Thirdly, the bill will repeal the move-on-related exclusion order scheme in division 1B of part I of the Summary Offences Act. That scheme enabled the making of exclusion orders prohibiting a person from entering a public place for up to 12 months. In relation to the removal powers and the exclusion orders, the unintended consequences — at least at their highest they might be couched as unintended consequences — are encapsulated by a submission from the Fitzroy Legal Service to the government. It was made in consultation with members of the Homeless Persons Union Victoria — there is the word 'union'; do members opposite want to jump up and down about that? No, I did not think so — a collective of persons with lived experience of homelessness, who indicated as follows:

X is an Aboriginal woman without a birth certificate who has been unable to obtain Centrelink payments. She obtained a permit from Melbourne City Council to sell friendship bracelets. Within the week that has just passed she was directed by police to 'move on'. X told the police member she had a permit. She was told by police to leave the area for 24 hours or she would be charged with begging. No documentation was provided to her, and the area she was directed to leave was not stated. X was told the public space she was using was not available to her; this contradicted the

understanding she had derived from consultation with the council.

X has experienced long-term homelessness and is unable to access mainstream services. X stated there are no services available to women over the age of 26 experiencing homelessness and outlined the barriers to accessing support without documentation of her identity. The sale of her friendship bands in exchange for donations is her only source of income.

That statement accompanied the view expressed by the Fitzroy Legal Service, as one of the peak bodies within the community legal sector, that currently there are a very broad range of offences that may be alleged, with charges laid, searches conducted and arrest and summons powers used where persons have engaged in criminal offending. In addition to that there is the capacity for such powers in certain circumstances to be exercised where there is an anticipation on reasonable grounds that this has occurred.

This is not something that came like a bolt out of the blue. Labor has been unequivocal in stating that it would repeal these move-on laws because they are not reasonable and they are not proportionate. We oppose them ardently. In effect there is no evidence that the use of move-on powers has increased since the coalition's changes came into operation on 28 May last year. Prior to those changes commencing Victoria Police had never recorded the use of move-on powers, therefore there are no figures to enable a comparison. On that basis I take issue with the statement made by Mr Rich-Phillips that there has been a steady escalation of violence, because presumably if that had been the case there would be data which supported the point.

While move-on offences are now recorded, officers are not required to specify the ground on which a move-on direction is issued. Consequently it is not possible to distinguish whether a recorded move-on power has been based on one of the original three grounds or on one of the five additional grounds introduced by the coalition. With regard to move-on exclusion orders, the government is only aware of Victoria Police applying for one move-on exclusion order. The court granted that application and made an exclusion order in that instance. That is a singular instance: one exclusion order has been issued since 28 May, when this amendment came into effect. Again I refer to the opposition's obsession with seeking to dismantle the rights of groups to organise, to march, to gather or to express their views in a public place.

What this bill does is create a more appropriate balance between the use of move-on powers to maintain public order and the protection of the fundamental rights that Victorians enjoy to move freely, to express their views

and to associate with whomever they choose. That may include associating with those opposite.

The changes introduced by the coalition last year had the potential to restrict legitimate protest in the state of Victoria, and as the powers now stand, police and PSOs can use their move-on powers in relation to any protest. This has the potential to harm some of the most vulnerable groups in our society, including the homeless, youth, the Koori community and people with mental health issues. Such groups are more likely to use and congregate in public places, thereby increasing the chance that they will be impacted by the coalition's reforms.

The changes were an affront to the right of Victorian workers to engage in lawful industrial action. The key word there is 'lawful'. It is lawful industrial action because it is permitted to be engaged in once the necessary approval and order has been sought and gained from the federal industrial umpire, the Fair Work Commission. Once that order has been granted, industrial action within the scope and contemplation of the order as issued may be taken for specific purposes, which are very clearly outlined.

A lawful approach to the way business is conducted on building and construction sites around the state is also amply covered by the federal framework. Those opposite failed to understand that the federal framework has entirely covered the field in relation to the way work can and must be performed and which directions can be and are issued to workplaces. The way in which occupational health and safety standards apply is also a matter contemplated in the federal legislation and set out comprehensively in the Victorian statute book. There are duties which apply to those in control of a site, to contractors and to workers themselves to make sure that they operate safely and lawfully.

Until the coalition's amendments came into operation, move-on powers could only be used in very specific circumstances. The coalition upset that balance, and it upset that balance for no reason other than small political, tactical gains sought to be achieved by confining the issue to the union movement, one small ideological issue that it carps on about and makes out to be the death of any sort of appropriate balance in lawmaking. No doubt we will hear that again from other speakers.

The new arrest power in section 6A of the Summary Offences Act will be repealed on the basis that it was unnecessary. There are broad arrest powers and also broad powers under common law to ensure that offenders may be required to attend a court of

competent jurisdiction, to preserve public order, to prevent the continuation or repetition of an offence or the commission of a further offence, or for the safety — —

The ACTING PRESIDENT (Mr Ramsay) — Order! Unfortunately Ms Shing is out of time. I know there was more to come; I am sure we missed the best lines.

Ms PENNICUIK (Southern Metropolitan) — I am very pleased to speak on behalf of the Greens in the debate on the Summary Offences Amendment (Move-on Laws) Bill 2015 and to indicate that the Greens will be supporting the bill. It was just over a year ago that we were debating the bill introduced by the previous government, the Summary Offences and Sentencing Amendment Bill 2013. This bill essentially repeals the amendments made to the Summary Offences Act 1966 and the Sentencing Act 1991 last year. The Greens were strongly opposed to the Summary Offences and Sentencing Amendment Bill. That bill severely restricted the right to peaceful protest and subjected individuals to exclusion orders where no crime had been committed, where they had the audacity to turn up at a protest or demonstration more than three times in six months or five times in the year. It undermined democracy and expanded police move-on powers when there were already sufficient powers under the act and under other acts for police to deal with the issues that the bill ostensibly dealt with.

That legislation was opposed by the Greens as it was designed to shut down community protest and activism, including community opposition to government projects and decisions, such as the east–west tunnel. I also used the example of the ongoing protest against the construction of a McDonald's in Tecoma, to which many people had definitely turned up more than three times in six months or five times in a year. Whether or not the protest was successful, at the end of the day this bill gave police the ability to move on people who were committing no crime except that of voicing their opposition to a project that was going ahead in their community.

In last year's debate I mentioned protests including against the east–west link, the Tecoma McDonald's and industrial picket lines, which are lawful. Over the years those kinds of pickets — in Victoria, Australia and the world — have been against employers who have flouted the rights of workers, and in many cases such protests have led to improvements in working conditions and the occupational health and safety of workers. It may be that people want to oppose the demolition of a building in their area. They may want to

save a park in the area, they may want to save a school in their area, and they would all fall foul of this legislation.

We also argued that the most vulnerable in the community, such as those experiencing homelessness, would be disproportionately affected since they live in public places and would be more likely to be subjected to exclusion orders. Ms Shing just read out an excerpt from an email I know was circulated to all members of Parliament by the Fitzroy Legal Service regarding the practical application of these provisions against a particular homeless person. As we speak, from the service's consultations with Homeless Law, it has sent me more examples of how the move-on laws are being used inappropriately in that regard.

At the time of the previous debate we strongly criticised the former government's amendments to the laws as draconian and unnecessary — draconian and unnecessary because there were already sufficient powers for police in the Summary Offences Act 1966 and under the Crimes Act 1958. In fact if the government is really committed to people having the right to go about their lawful business without being arbitrarily stopped and searched, it should turn its mind to repealing the stop and search powers and the provisions that were added by the former government which took away the right of people with mental health issues and minors to have an independent person present when they were stopped and searched by police.

Members would have received a media release from the Law Institute of Victoria which welcomed the repeal of the move-on laws and the exclusion orders. The law institute was a very strong critic of the previous law. In a submission to the Scrutiny of Acts and Regulations Committee (SARC) in 2014 it said the amendments would:

... limit the ability of individuals and groups to assemble and protest in public ... remove existing and important protections against move-on orders for individuals and groups engaging in picketing, protesting and public demonstration, and by introducing provisions which allow for arrest for breaches of a move-on direction, increase criminalisation of direct protest action in Victoria.

In its media release the law institute goes on to say:

Public protest is one of the ways individual citizens can have their say between, and at, elections. Protest is a democratic right and should not be a matter of government discretion or permission.

And that is also why we strongly oppose the laws.

In addition to the law institute, other groups also opposed these laws and made submissions to the Scrutiny of Acts and Regulations Committee at the time. It is not all that often that groups in the community submit to SARC, but at that time the Homeless Persons' Legal Clinic, Justice Connect, the Victorian Council of Social Service, the Victorian Equal Opportunity and Human Rights Commission, the Federation of Community Legal Centres, the Victorian Trades Hall Council, the Human Rights Law Centre and the Flemington and Kensington Community Legal Centre made submissions to SARC.

I mentioned at the time that we also received letters from Homeless Law, Youthlaw, the Western Suburbs Legal Service, MADGE Australia and a large number of ordinary citizens all protesting about the previous government's amendments to summary offences and sentencing acts. We were very strongly opposed. I spoke at many demonstrations about the problems with the law at the time. I organised a petition against it, I called on the government to withdraw the legislation, I requested that SARC hold a public hearing into the bill before it was debated in the Legislative Council, and I moved a motion to refer it to the Legal and Social Issues Legislation Committee. Like all attempts to refer legislation to that committee, the government of the day voted against the motion. We also committed to seeing these laws repealed during the election, and so we welcome the government doing this, as it also committed to do.

This bill restricts the circumstances in which police officers and protective services officers (PSOs) may give move-on directions by repealing the additional circumstances introduced by the coalition in which move-on directions could be made. The circumstances revert to the original criteria under which police and PSOs could move people on based on an officer suspecting on reasonable grounds that a person or persons are breaching or are likely to breach the peace, or the person or persons are endangering or are likely to endanger the safety of any other person, or the behaviour of the person or persons are likely to cause injury to a person or damage to property or are otherwise a risk to public safety. These criteria existed previously under the Summary Offences Act, and under this bill the provisions will revert to them. One would have to say that these are broad criteria and already allow a broad discretion to police to act to move people on.

By contrast, the powers that were introduced by the former government allowed police and PSOs to move people on on only a suspicion, and the term 'suspicion' is very discretionary. The provisions under the former

government's laws include that the person has committed an offence in a public place. That offence could be any offence. The provision does not specify what type of offence it could be. As one submission to SARC stated, an offence could be jaywalking, failing to swipe a myki card or a similar offence. They are not grounds for asking a person to move on from a public place. They were just vague, subjective and discretionary uses of a move-on power when there were already quite broad criteria for the use of powers under the act. Those particular circumstances are repealed by this bill.

This bill also provides that PSOs and police officers will not have a specific power to give a move-on direction to a person picketing a place of employment, demonstrating or protesting about a particular issue, or publicising their view about a particular issue. The application of a whole lot of circumstances and move-on criteria to people engaging in those types of activities is probably the crux of the widespread opposition to this legislation.

I said at the time that the powers introduced by the former government had basically come out of nowhere. I had no understanding that the police were asking for these additional powers or that there had been any activities in the state of Victoria that required them. Therefore one could only come to the conclusion that they were about shutting down the ongoing protests that were happening in inner Melbourne over the east-west tunnel and the people turning up day after day to protest against that.

This bill will repeal section 6A of the Summary Offences Act 1966, which provides police and PSOs with a specific arrest power where they reasonably believe a person has failed to comply with a move-on direction without a reasonable excuse. It is intended that police and PSOs will now rely on the general arrest power in section 458(1)(a) of the Crimes Act 1958 to arrest a person contravening a move-on direction.

The legislation brought in by the former government also added the possibility of a person being served with a penalty of a term of imprisonment — I think it was up to two years — whereas the previous penalty was 6 penalty units or a fine of around \$600. That is quite a steep increase in the penalty for what is basically a failure to move on, and it is not comparable with other penalties under the Summary Offences Act or any other act.

Section 6B of the Summary Offences Act 1966 will be repealed by the bill before the house. This section currently empowers a police officer or a PSO to request

a person whom the officer intends to move on to state their name and address. This change will not affect any other powers that the police or PSOs may have to require a person to state their name and address in other circumstances under other legislation.

Clause 7 of the bill repeals division 1B of part 1 of the Summary Offences Act 1966. This means that police officers will no longer be able to apply to the Magistrates Court for an exclusion order where a person has repeatedly been directed to move on from a particular public place. I have already spoken about that provision. I thought it was a particularly egregious part of the previous legislation that people who were protesting about something they felt very strongly about, maybe even in the street where they live and in their own community, could fall foul of this provision. That is completely unnecessary.

The Greens are very pleased to support this bill. However, I make the point that the stop-and-search powers still exist under the act, and we have also opposed those. The problem with those powers is that they are an invasion of people's privacy. A person may just be going about their own business and should not be, even on reasonable grounds, suspected of or thought to be doing anything wrong except for moving through a particular area, yet they may be subjected to the stop-and-search powers. We believe those stop-and-search powers should be repealed. At the very least, police should be, as they are in other jurisdictions, required to issue a receipt to anyone they stop and search. The receipt should display the date, time and name of the police officer who stopped them. This is needed because there is no oversight or monitoring of this power as it stands in Victoria.

I want to move on to the other issue related to the right to protest that is extant in this state, and that is the Wildlife Act 1975 as amended by the previous government via the Sustainable Forests (Timber) and Wildlife Amendment Act 2014, which was introduced last year by the coalition government to undermine the right to protest against duck shooting and logging in our national parks. The amendments to the Wildlife Act included introducing a sixfold increase in the penalty for certain persons who enter or remain in a specified hunting area and for approaching a person who is hunting. The act also increased by threefold the penalty for hindering or obstructing hunting.

On 4 February last year in this house I said of these amendments that:

Hindering or obstructing hunting is really about exercising your right to demonstrate against the hunting of our native waterbirds, which is also opposed by more than 85 per cent of

Victorians, including those who live in regional Victoria, not just —

as is often said by hunting enthusiasts —

those who live in the city.

Shooting of our native waterbirds is opposed across Victoria.

The coalition government introduced exclusion orders that can be made by a court to exclude a person from a specified hunting area for the period specified in the order. That can be a day, a week or a whole season. Those exclusion orders are a way of preventing the committing of a further specified offence, which is continuing to protest against duck shooting. During the debate on those amendments I went to great lengths to demonstrate that a particular regional magistrate was very scathing of the department's behaviour in its attitude towards protesters, and I said that I would be interested to see what magistrates would make of the new penalties under those provisions.

At the same time an environmental crime was not being addressed by the government where hundreds of rare and threatened species were being massacred during the duck hunting season and nothing was being done to prosecute anybody. As I stand here today, there have still been no prosecutions in relation to the massacre of 200 freckled ducks at Box Flat Nature Reserve.

The Labor government should also repeal amendments to the Sustainable Forests (Timber) Act 2004 made by the coalition government last year to stop protests against logging, to stop environmentalists from finding endangered species in areas the government plans to log and to prevent them from doing post-logging surveys. As my colleague Greg Barber said at the time, environmentalists and scientists:

... will not be able to determine whether state government-commissioned bulldozers were run through a rainforest gully or whether any other aspects had been complied with. That might include whether logging coupe roads had been breached and barred to prevent soil erosion, whether slashed material had been piled up around trees that are supposed to be retained but will die in the subsequent burn-off, or whether the proper buffers from each creek or drainage line had been maintained. They will not be able to do that because the government will have created a no-go zone.

In summary, if the Labor government wanted to show consistency and a solid commitment to protecting the democratic right of all citizens to protest in all parts of Victoria, it would also repeal the coalition's reforms made last year that undermine the right of citizens to protest against logging and duck shooting. However, the Greens are pleased to support this bill.

The ACTING PRESIDENT (Mr Ramsay) — Order! I thank Ms Pennicuik. She certainly covered some country there. In the standing orders there is provision for a point of order if members feel a contribution has nothing to do with a bill, but on this occasion there was silence.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak on this important bit of legislation, the Summary Offences Amendment (Move-on Laws) Bill 2015. I started by asking myself what the premise for this bill was and what motivated the Andrews government to do this, and then it dawned on me. Since the state election the Premier, Daniel Andrews, has gone to work every morning saying, ‘I owe, I owe, it’s off to work I go’, because he has to pay back his union mates, and this is where it started. His view is that you can go about your lawful business unless you disagree with the ALP. I think that is the driver for all of this. I will pick up a comment made by Ms Shing in her contribution to the debate today. She called this ‘a better equilibrium’, which is ALP speak for ‘let our union mates decide’. That is why we are going through this process.

Let us have a look at why this was such an important reform for the Napthine government to introduce in 2014. We extended and strengthened the grounds on which police can move on protesters. We removed the exemption for political and industrial protests for all but two grounds. Our changes strengthened the existing powers by providing that more move-ons may be ordered where police or protective services officers reasonably suspect a person has committed, within the last 12 hours, an offence in a public place; a person’s conduct is causing a reasonable apprehension of violence in another person; a person is causing, or likely to cause, an undue obstruction to another person or persons or traffic; a person is present for the purpose of unlawfully procuring or supplying, or intending to unlawfully procure or supply, a drug of dependence; or a person is impeding or attempting to impede another person from lawfully entering or leaving premises or parts of premises. It is the final point that I want to pick up.

Let us recall last year when there was a blockade outside the premises of Lend Lease, which at that stage may or may not have been a bidder for the east–west link project. Members of the public decided to block people from going to work because that company may have been a bidder for the east–west link project. The government cannot be serious when it says that it wants to wind back laws that enable people to go about their lawful business, but that is what is being put to this house today.

I will touch on Mr Rich-Phillips’s point about the Grocon blockade. The Construction, Forestry, Mining and Energy Union (CFMEU) blockaded Lonsdale Street and people going about their lawful business. When the police, who were doing a great job in helping people get to work, went down there on horseback, what did the protesters do? They punched the horses.

Mrs Peulich interjected.

Mr ONDARCHIE — They poked them in the eyes, as Mrs Peulich says, and these are the people the Andrews government is supporting today with this bit of legislation. Daniel Andrews must be so proud of the people who punched horses on Lonsdale Street. He must be so proud of the people who threw marbles on the ground. He must be so proud of the people who blocked Victorians from going about their legitimate business and going to their workplaces. Clearly the rules have changed in Victoria. Daniel Andrews may be the Premier, but John Setka runs this state.

As it turned out, the police deftly and appropriately brought that blockade to an end, but it had caused a lot of angst, a lot of trouble and a lot of distress for commuters, shoppers, pedestrians and business owners in the city of Melbourne, the world’s most livable city. What an image that must have been right around the globe as people blocked other people from going about their legitimate business.

For all its great work and chest beating, the CFMEU was hit with a fine of \$1.25 million, which was probably the largest fine for contempt in Victoria’s history. The CFMEU decided to challenge that in the High Court, but the High Court rejected its leave to appeal. Let us have a look at what was said by Justice Cavanough, who heard the contempt proceedings against the CFMEU. I will read a small excerpt about Mr Setka and a colleague at that blockade approaching some of the Grocon workers who just wanted to go to work. Justice Cavanough said:

Shortly after the police horses had retreated, a group of about six persons broke away from the main crowd ... They walked diagonally across Swanston Street to where most of the Grocon staff and employees were standing on the north-east corner. The CFMEU official, John Setka, was among them. So also was a Mr David Lythgow, who was known to McAdam —

a Grocon employee —

as a CFMEU shop steward employed by Mirvac —

not even Grocon —

another construction company.

Both of those individuals were swearing, using words that I refuse to use in this Parliament, and calling people the 'F' word dogs and a whole lot of other things.

These are the people that the Premier wants to stand by. The Premier must be so proud to stand alongside them.

Let us look at what another official of this very proud union said — and I want to make it clear that these are not people I support. This is what Mr Edwards, another CFMEU official said directly to the assembled mob, and I am quoting from Justice Cavanough's judgement:

We are here to stay. We have laid siege, we have laid siege to this job and we're not going away ... We're not here to have a brawl ... We are disciplined, we are organised, and that's what got us the wages and conditions that this industry pays.

Mr Edwards is also recorded as having said:

They want you come here for the next two days, for the next two weeks, for the next two months, for the next two years. It's going to be a long job, right?

He continued:

The government wants to have a brawl with the unions ... They don't like unions that do what we do — produce good wages and conditions.

We ain't going away ... we ain't going nowhere ... two days, two weeks, two months — here to stay. Right? If you've got a problem, don't bring it here because it's nothing to do with the unions. We're not going away. Whatever provocation occurs, laugh at 'em. Why? Because we should be happy. The police have shut down the city for us. Here to stay, right?

This is a union that has contempt for the law, contempt for women, contempt for the public, contempt for business. When is the Premier going to stop standing by this union? It is time for the Premier to speak some sense. After 107 days of an Andrews government what have we got? Failure upon failure. After 107 days of an Andrews government the Premier wants to pay money not to build an east-west link. Through the Tatts Group court case, the former Labor government committed the state to \$540 million in compensation. As of today Victoria has paid \$192.6 million in ongoing fees to the desalination plant. Thank you very much, Daniel Andrews.

We now have two more public holidays in this state, and small business right across the state is saying, 'Gee, thanks for nothing, Daniel Andrews'. The people in Ballarat, where I visited last week, are trying to understand, and maybe the Premier can explain it to them. They want to understand what a public holiday associated with a grand final parade in Melbourne has to do with small business in Ballarat. What does that have to do with western Victoria? What does it have to do with northern Victoria? The man I referred to at the

start of my contribution goes to work every day saying, 'I owe, I owe, it's off to work I go'.

It is payback-for-unions time in Victoria, and investor confidence is walking out of the state. Jobs are leaving the state. The Premier is trashing Victoria's international reputation. In 107 days he has got Victoria stuck in reverse gear. Thanks for nothing, Daniel Andrews.

This bill is another example of the Premier pandering to his backers, to his union mates. He is putting Victoria's reputation and the hopes and aspirations of Victorian parents and children — who are hoping to see jobs in this state — at risk. He should be ashamed of himself. I oppose the bill.

Ms TIERNEY (Western Victoria) — I rise to speak on the Summary Offences Amendment (Move-on Laws) Bill 2015. The bill is essentially about restoring the rights that were taken away from Victorians by the previous government. The move-on laws introduced by the previous government were a direct attack on the democratic rights of Victorians, and I argue they were completely unnecessary. The steps being taken now deliver on Labor's commitment to repeal the Napthine government's move-on laws.

The bill makes four main amendments to return Victoria's move-on powers to their appropriate form, the form they were in before the Napthine government made its unnecessary changes last year. Under the previous government's changes an expansion was given to the grounds on which police and protective services officers (PSOs) were able to give move-on instructions. This change by the previous government gave police and PSOs the power to enforce move-on directions merely based on a police officer suspecting that there is some likelihood that a person will cause an obstruction to another person.

Today's bill winds back that expansion, as is appropriate. Under the amended legislation police officers and PSOs have the power to direct a person to move on from a public place where officers suspect that, firstly, the person is breaching or is likely to breach the peace; secondly, the person is endangering or is likely to endanger the safety of any other person; and thirdly, the behaviour of the person is likely to cause injury to a person or damage to property or is otherwise a risk to public safety. These terms are the original terms and the appropriate ones.

The bill amends changes made by the Napthine government that were a clear attack on the right of Victorian workers to engage in lawful industrial action.

At the time of these changes being made it was made clear by the government that the move-on laws could be used against legal picket lines at places of employment or outside places of employment. The amendments in this bill ensure that move-on laws do not apply to a person who is or persons who are picketing a place of employment or demonstrating or protesting about a particular issue. The right of all citizens to be free to express their opinion in a lawful and non-violent way goes to the very heart of democracy, which was undermined by the previous government's move-on laws.

The third main amendment involves the repeal of sections 6A and 6B of the Summary Offences Act 1966. As a result of the previous government's legislation those sections provided specific arrest powers for police and PSOs that were simply unnecessary. Police and PSOs already have sufficient powers under existing legislation — under section 458 of the Crimes Act 1958 in relation to appropriate reason for arrest and under section 456AA of the Crimes Act 1958 in relation to police officers obtaining the name and address of a person when appropriate.

The fourth main amendment proposed in this bill relates to exclusion orders where a person has been repeatedly asked to move on. Again the Napthine government's move-on laws went too far in relation to division 1B of part 1 of the Summary Offences Act 1966, which consequently provided a power to prohibit a person from entering a public place for up to 12 months even though no crime had been committed. This is a clear limitation of a person's right to freedom of movement and must be scaled back, and I am very pleased to be part of that tonight.

As I stated in my opening remarks, the winding back of the Napthine government's undemocratic and draconian move-on laws was an election commitment made by the Victorian Labor Party. Labor made this commitment because there must be a real balance between the use of these laws to maintain public order and the protection of the fundamental right of all Victorians to move freely, to express their views and to associate with whomever they choose. This was destroyed by the previous government.

The amendments made by the previous government in 2014 were not only unnecessary and undemocratic, as I have mentioned, they also had the potential to be discriminatory and to harm some of the most disadvantaged groups in our community. Those who are homeless, those with a mental illness, young people and those in the Koori community are more likely to use and congregate in public spaces and are therefore

more likely to be subjected to the previous government's unbalanced move-on laws.

As I stated earlier, the previous government's amendments were also an attack on Victorian workers' rights to engage in lawful industrial action. The previous government's amendments gave police the power to decide at their own discretion whether a picket line was legal or illegal; no court order was needed. In all areas where the coalition sought to make changes to the move-on laws in 2014, an imbalance was created. Labor promised to repeal those amendments and restore the balance, and that is what it is doing this afternoon.

Labor's decision to repeal these laws has been strongly supported by all sectors across the community, including the Law Institute of Victoria, which strongly opposed the previous government's moves to change the laws in 2014. I am pleased to be part of this debate this evening. This was an issue that was sorely felt by the community when it was inflicted on it by the previous government. It is my pleasure, as I said, to be associated with this bill, and I commend it to the house.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Ms PATTEN (Northern Metropolitan) — I am very pleased to speak on the Summary Offences Amendment (Move-on Laws) Bill 2015. I will be supporting the bill, which repeals laws that are not only essentially discriminatory but also create greater social exclusion. In its few short years the Australian Sex Party has always fought for freedom of movement, freedom of assembly and most importantly freedom of expression.

As a newly elected member this is one of the few bills that I have read and will now speak on. As I read it, I was struck by the fact that the bill contravenes articles 9, 15, 19, 21, 26 and more of the United Nations International Covenant on Civil and Political Rights. I also consider it to be at odds with our own Victorian Charter of Human Rights and Responsibilities. The move-on laws silence legitimate protest. I say legitimate because they have never silenced the people who protest outside abortion clinics and who intimidate, harass and threaten with violence the women and staff entering those clinics. In raising that issue, a number of people have said to me, 'If you say there should be freedom of speech, how can you try to stop those people?'. I have no problem with those people protesting however they want to protest — on the front steps and at the driveway of Parliament and in my office, for example — but not when they harass, vilify and intimidate the people going into those centres and clinics. I note also that the move-on laws were

never used to move on those protesters, so they were not effective in that area.

More importantly, the laws are discriminatory, particularly towards young people, sex workers, people with mental health issues and drug users. The Federation of Community Legal Centres noted that the move-on laws involve:

... granting police powers based on subjective predictions of future behaviour by individual officers.

Suspicion is a very low ground on which to base using the move-on laws. This reminded me of Tom Cruise.

Ms Shing interjected.

Ms PATTEN — Yes. Not that we want him to move on — or maybe we do! I do not know whether members recall the film *Minority Report*. In it Tom Cruise ran the precrime unit and had psychic ‘precogs’ that lay in water and would predict crimes. They could arrest people before they committed a crime because they were precogs and psychic and had the knowledge that people were going to commit a crime. I do not believe that Victoria Police or even the Victorian government have precogs floating in a sink somewhere, so we are relying on suspicion, which has I have to say a pretty low bar.

In supporting the bill, I note also that the police have other existing move-on powers. They can move on persons breaching or likely to breach the peace, persons who are endangering or likely to endanger the safety of another person and persons whose behaviour is likely to cause injury to a person or damage to property or who are otherwise a risk to public safety. They are pretty wide powers to protect the public and property.

Other laws also offer tools for the police to protect the public and to govern public spaces. They can be applied in prohibiting property damage and in situations of people causing the obstruction of roads and footpaths; using obscene, threatening or indecent language; disorderly conduct; begging; loitering with intent; being drunk in a public place; or being drunk and disorderly. All those laws provide tools for police to keep our public and our public spaces safe.

Rather than move-on laws, we need to look at the laws around drugs. The police also talk about using move-on laws particularly when dealing with drug users. That is not because people are carrying drugs or breaking the law in any other way. It is because there is a suspicion that they are doing something that is immoral or that the police do not like. I would like us to move on drug law reform. I support the repeal of the move-on laws.

Mrs PEULICH (South Eastern Metropolitan) — I am very happy to make some remarks on the Summary Offences Amendment (Move-on Laws) Bill 2015. I thought the 2013 legislation was good legislation that struck a balance between individual rights and liberties, freedom of speech, the right to political protest and the right of people to move around their business every day without harassment and intimidation. It gave police powers that exist in laws in other jurisdictions around Australia and meant they are not bogged down by paperwork that takes them away from responding to critically important crimes, such as domestic violence, assault, burglary, rape, murder or other serious crimes.

Whilst I accept the fact that there are vulnerable people in fairly vulnerable situations, that is more a reflection of our society not really having addressed the issues which see people on the streets. Part of that, of course, was the move many years ago to deinstitutionalisation. It is not that I am a fervent advocate against deinstitutionalisation, but it has gone on to such an extent that many people are left on the streets to fend for themselves. I believe these laws, and certainly the figures show, strike the right balance.

Mr Dalidakis interjected.

Mrs PEULICH — Having been born under communism I do not think there is any person in this room who has a greater sensitivity to the rights of freedom of association, freedom of speech and freedom of belief than me. I was baptised in secret because the state would have been punitive to my parents if I had been baptised overtly in a church. My father, an innocent man, had been whisked away in a black maria by the communist regime and imprisoned. For many months we did not know whether he was alive or dead, and my mother was left with two small children to support and no means of income because under communism or socialism, if you did not work, you did not eat. I have a very different perspective from those who are romantic about socialist ideals. I have lived it; I hated it.

That is why I joined the Liberal Party. I am passionate about the ideology and the freedom of conscience which the Labor Party does not guarantee but my party does. I have no qualms whatsoever with the legislation that was introduced by the former Attorney-General, Robert Clark, in 2013.

This bill repeals the five additional grounds on which police can direct protesters to move on and which the coalition government introduced in 2013; it reinstates the exemptions for political and industrial protests to which move-on powers will no longer apply; and it

repeals the provisions allowing for exclusion orders where, for example, repeat offenders can be excluded from an area for up to a year.

We know the Labor Party is the political arm of the union movement. We saw that at the last state election. It was not the Labor candidates who were campaigning for a win; they were small targets, and no-one knew who they were. Luke Hilakari, the fake uniforms and the campaigns they were able to marshal on the ground for key seats were what delivered, or stole, seats and government — and mind you, a handful of seats on very narrow margins. They cannot claim a mandate because each and every one of us elected to this chamber has a mandate to represent the constituencies we were elected by.

Mr Dalidakis — On a point of order, Deputy President, the speaker has reflected poorly on the government by suggesting that it stole government, and I ask the member to withdraw.

Mrs PEULICH — On the point of order, Deputy President, there is no point of order. I did not vilify a member of Parliament or reflect on the chamber or either house. I believe precedent will show that it is certainly within the robust debate of this chamber.

The DEPUTY PRESIDENT — Order! There is no point of order because the collective was referred to, not the individual.

Mrs PEULICH — Thank you, Deputy President. All Australian states and territories have legislation giving move-on powers to police in some form. In the Australian Capital Territory — —

Mr Dalidakis interjected.

Mrs PEULICH — My superannuation is actually suspended while I am back here serving the Parliament. I am actually saving the Parliament money because my superannuation, which I earned as the member for Bentleigh in the Assembly, has been suspended since I returned to Parliament. The member is a bit of a know-all; I suggest he shuts his mouth and sits there and listens a little.

In the Australian Capital Territory move-on powers are included in the Crime Prevention Powers Act 1998. New South Wales has the — —

Mr Dalidakis interjected.

Mrs PEULICH — You are just a bully!

Honourable members interjecting.

Mrs PEULICH — I don't respond well to being bullied. I will fight back, there is no doubt about it.

The DEPUTY PRESIDENT — Order!
Mrs Peulich to continue, through the Chair.

Mrs PEULICH — The member has been well schooled. Move-on powers are included in the Crime Prevention Powers Act 1998, New South Wales has the Law Enforcement (Powers and Responsibilities) Act 2002 and the Northern Territory has the Summary Offences Act 1923. Move-on powers in Queensland are covered under the Police Powers and Responsibilities Act 2000, while South Australia has the Summary Offences Act 1953. Tasmania's Police Offences Act 1935 includes powers to disperse people, and move-on powers form part of the Criminal Investigation Act 2006 in Western Australia.

And guess what? We still live in a democracy. The world did not end. Democracy did not die in Victoria, not in the brief period since this legislation was introduced. In fact we see protesters such as the east-west link protesters continue to make nuisances of themselves. But we know what it is all about. It is about treating the union movement softly, softly, and having two sets of rules. The Premier wants to test members of Parliament for alcohol consumption but takes away the same responsibility to do that in the workplace because of the union objections. In the lead-up to the election campaign we saw that Setka had been found guilty and had a long list of convictions. The Premier said we will have to wait until we see what the royal commission concludes. I am sorry, but they are convictions; those conclusions have already been reached. You would think the Premier would have stood against violence of any sort, whether it occurred in the workplace or in the home — of course he did not.

In fact we know full well that ordinary members of the Labor Party are aggrieved by the overwhelming power and control that union delegates possess. We even have Labor Party members attending some Liberal Party branches saying, 'We don't believe that these things happen on the ground. They used to happen in the Labor Party 20 years ago. They no longer happen now'. They bemoan the control and the influence that the union movement has over its parliamentary party.

Indeed we are not surprised that Victorian Trades Hall Council wants this repeal to be enacted. In a media release issued when the bill was introduced former Attorney-General Robert Clark said:

Every Victorian has the right to protest and express their views. However, when individuals resort to unlawful tactics

that threaten the livelihood of law-abiding businesses, employees and their families, they must be held to account.

He went on to say:

Police should be able to focus on protecting the community, not having to deal repeatedly with the same individuals at the same unlawful blockades. Exclusion orders will empower the courts to make longer lasting orders to tackle serial law-breakers intent on causing trouble for hardworking Victorians and their businesses.

Indeed it is a question of striking a balance. Penalties for contravention of move-on direction laws by jurisdiction show that the penalties in Victoria under the current legislation are midstream and substantially lower than those of the Northern Territory, South Australia, Western Australia and Queensland. It holds no terms of imprisonment, as does the legislation of Northern Territory, South Australia and Western Australia, which suggests that indeed we did get the balance right.

Community organisations are concerned about repeal of this legislation. In a joint statement the president of the Jewish Community Council of Victoria, Jennifer Huppert, and president of the Zionist Council of Victoria, Sam Tatarka, stated that the Jewish community has concerns about the proposed repeal of the move-on laws introduced by the previous coalition government. The statement reads:

The government's proposed amendments to the move-on powers contained in the Summary Offences Act will deprive police of the power to direct people to move on even if they have reasonable grounds to suspect that there is or is likely to be a breach of the peace, or danger to the safety of any other person or if the behaviour is likely to cause injury to a person, damage to property or is otherwise a risk to public safety so long as the persons concerned are demonstrating or protesting about a particular issue.

It expresses concerns about the inability of police to respond to the boycott, divestment and sanctions (BDS) campaign — which has basically been run by anarchists and socialists and, I suspect, some Greens — and states that the campaign 'has no role in a respectful and harmonious multicultural Victoria'. I say, 'Hear, hear'. The statement continues:

'Given the government's stated opposition to BDS the proposed amendments represent a significant retrograde step in the protection of businesses and individuals from the impact of those who seek to boycott or blockade them for their connection to Israel', said Mr Tatarka and Ms Huppert following the meeting ... We trust that if there is a repetition of the violence, abuse and intimidation that marked the campaign against Max Brenner and other retailers of Israeli products, the government will not hesitate to reinstate appropriate protections ...

Similarly the Australian Israeli Jewish Affairs Council, AIJAC, also expressed concerns. Executive director Dr Colin Rubenstein, whom I significantly admire, issued a statement saying:

... we remain concerned that the repeal of the move-on laws will weaken the ability of the police to counter BDS blockades of business which, as the government says, have no place in our multicultural Victoria.

He goes on to say that the legislation needs to be monitored very carefully and 'adjusted to allow people to go about their lawful business free of the discriminatory harassment the BDS campaign represents'.

This is payback for the favours that the union bestows upon the Labor Party day in, day out. We see each newly elected Labor MP pledging allegiance and subservience to their union bosses. This is a hand-in-hand campaign. Labor members have a lot of debts to repay for the role that Trades Hall played in the 2014 election campaign. We see this in the delivery of penalty rates and additional holidays without the understanding of their economic impact on jobs. In my portfolio of multicultural affairs I meet a lot of people from multicultural backgrounds who run small businesses who say to me that because of these additional holidays and penalty rates they will not be able to hire staff. Instead they will need to use family members to work those additional days.

This campaign of repayment is quid pro quo. We have the labour movement and the Labor Party working hand in hand and conspiring against the best interests of the state of Victoria and Victorians. In particular there are some real risks for our multicultural communities.

The figures show that a substantial number of infringement notices were issued for various actions, such as contravention of a police direction to move on, being drunk and disorderly in a public place and behaving in a disorderly manner in a public place, which pose safety risks to people who are in public places. We have seen that in the CBD. We bemoan that we had to introduce coward's punch laws to deal with some of the worst offences.

The move-on powers were intended to defuse situations that can occur and escalate rapidly — and they occur prolifically in our community — without bogging down the police with additional paperwork and without necessarily giving people a criminal record by taking them to court. Ms Shing has advocated that the government can do that by taking people to court. I prefer the option of the move-on laws; I think it balances rights and responsibilities. It is not a workable

piece of legislation, and it will not protect everyone or their democratic rights in a measured way. I would urge the government to monitor the impact of this bill — —

The DEPUTY PRESIDENT — Time!

Mr BOURMAN (Eastern Victoria) — Hopefully my speech will be a little less rambunctious than the earlier ones. I rise today to speak on the Summary Offences Amendment (Move-on Laws) Bill 2015. As a former police officer I have a perspective on the move-on bill that perhaps only one other person in this chamber may have. I believe the criminal provisions of the Summary Offences Act 1966 provide a useful tool for day-to-day policing and should be retained.

Being able to move on disruptive individuals before they commit crimes is invaluable, as it is about crime prevention. A known drug dealer will not in most cases have his drugs on his person; they will be stashed elsewhere. If the criminal provisions of the principal act are removed by this bill, police will be able to search a known drug dealer under existing powers — the Drugs, Poisons and Controlled Substances Act 1981, I believe — and if they find nothing, they will not have any power under any legislation to do any more than that. If we keep the provisions relating to criminal acts, the police will be in a position to at least move this criminal on and disrupt his trade.

We are not talking about the average person passing through an area. For starters, someone passing through is passing through. We are talking about criminals, malcontents and troublemakers. Other mechanisms can be used to deal with these matters in most cases. However, as I pointed out, a known drug dealer cannot be moved on if a search finds nothing. Despite believing on reasonable grounds that the person will commit an offence, such as knowing the person is a drug dealer and finding them in an area known for its drug trade, without the move-on laws the police have no power to move them on.

In the case of people inciting violence, the common-law power of breach of the peace can be used, but I am not sure why anyone would prefer being arrested to being moved on. I am at a bit of a loss as to why groups that profess to be libertarians are leaving the police with more options to arrest rather than to simply move people on. The criminal provisions of the move-on laws are there to allow police to act while minimising arrests, unless offenders refuse to comply. It is simple: if you do not want to be arrested, go away. If you continue to return, then an exclusion order can be applied for via the Magistrates Court; it is not up to the individual officer.

In conclusion, I need to make it clear that I support the removal of the provisions that affect lawful and legal demonstrations. We should be able to protest peacefully, and people engaged in these legal and peaceful protests or demonstrations should always be allowed to continue. I will propose an amendment that retains some of the criminal provisions of the principal act. I wish to make the final point that in certain cases of protesting there are safety aspects that deserve their own legislation. These powers are designed to provide safety for protesters who deliberately and ignorantly put themselves in harm's way.

Mr LEANE (Eastern Metropolitan) — I am happy to make a brief contribution to the debate on the Summary Offences Amendment (Move-on Laws) Bill 2015. I would like to step back to the time when these provisions were implemented by the previous government. It was at a point when I am sure the previous government believed it could control criticism of it to such a degree that there was a piece of legislation that stated that it would be against the law to criticise the then Treasurer, Michael O'Brien. I cannot remember what bit of legislation that was, but it was a doozy. It was at about the same time that the government brought in the move-on laws.

Mr Ondarchie — On a point of order, Deputy President, the member has just misled the house. He said there was legislation that was enacted to restrict the views of one member. I ask you to request that he withdraws that comment.

The DEPUTY PRESIDENT — Order! That is not a point of order; it is just debating the point.

Mr LEANE — I am sure there was that piece of legislation. The previous government went through this period when it implemented these provisions, what are called the 'move-on laws'. Members of that government thought this would enable them to limit protest against them. They wished to limit protest if people were critical of something the government was implementing. They brought in these laws as a threat. They sought to limit people expressing their concerns around government initiatives and laws. We know that did not work, but in saying that I think it is clear that the previous government went through a period of thinking it could be Will Ferrell in *The Lego Movie*. Coalition government members thought they could create a world in which the first thing you heard when you turned on the radio was a song about how everything is awesome.

The previous government went through a period during which its members were making up words and statements that did not make any sense in relation to

their policies, like ‘game-changer project’. The government thought it could convince people of anything and control any criticism. As I said, that did not work. Today the Andrews government is bringing in a piece of legislation to take that away — to take away the existing threat. If there is angst or unhappiness with initiatives or legislation that this government is introducing, then people who want to protest peacefully and freely will not have this extra, extreme threat hanging over their heads.

We are in this weird space now. It is strange that we find ourselves in a position where the Andrews government has brought in means to get rid of Dorothy Dixers — and we all know that they were a farce — and we have the opposition saying, ‘That is not good enough. We are not happy with that’. Then we bring in a provision to make people feel more secure about protesting against something we may do, and the opposition is saying, ‘That is no good’. I think we find ourselves in a bizarre space. If this is a way for the coalition to say it is consistent, bully for it. We are saying that if groups want to protest against things that this government implements in the next four years, and maybe beyond that, if they are peaceful and do not break any criminal laws, then they have every right to do that.

Mr DAVIS (Southern Metropolitan) — I thank the house for the opportunity to speak tonight on the Summary Offences Amendment (Move-on Laws) Bill 2015. I, with many others in this chamber, remember the original bill, which sought to provide additional powers and security for the community, passing through this chamber. I believe those were the right laws. They were fair laws which sought to make our community safer and better in a number of respects. I listened carefully to other speakers tonight, and I pay tribute to the contribution to the debate made by Mr Bourman. A number of points are important to make.

Mr Leane — Mr Hoover.

Mr DAVIS — The unsophisticated contribution from Mr Leane will not assist anyone. Let me be quite clear — —

Mr Leane — Don’t insult their intelligence.

Mr DAVIS — The points made by Mr Bourman about a number of matters around policing and drugs are important. I pay tribute to them, but I disagree with him on the matters he raised around safety more generally. The move-on laws were not in any way designed to do anything other than improve community

safety. I am happy to have that disagreement with Mr Bourman, but I agree with him on the other points.

As the shadow Minister for Planning and also as shadow Minister for Local Government, my focus is particularly on the construction sector. Previous royal commissions clearly showed that additional costs and impacts were generated by the construction unions, particularly in Victoria. Those costs were 20 per cent to 25 per cent greater in Victoria and Western Australia, and that is significant. We know that a number of the unions in this state have sought to impinge on government and on private sector employers, whether it be at the Myer site or at major public construction sites like the one I was responsible for at the Victorian Comprehensive Cancer Centre. Those disgraceful union activities are reprehensible in every way. They not only add to the costs of major construction projects but they also make many employees on sites fearful and in some cases much worse than fearful. These are important matters that cannot be easily dismissed.

That a major association such as the Master Builders Association of Victoria has been speaking out in the last few days, pointing to the need for a clear set of guidelines and a code and calling for the national reintroduction of the Australian Building and Construction Commission is indicative of the fear felt by many in the building and construction industry. There are costs, but there is also basically fear — —

Mr Leane interjected.

Mr DAVIS — No, it is only one part of this law, but it is an important part. My shadow portfolios in planning and local government are focused in part on construction, so I am very focused on these areas, and I understand their importance for Victoria. Additional costs are an important aspect here. The new government has stripped away the protections that were in the construction code, paying off the Construction, Forestry, Mining and Energy Union and its union mates right across the union movement.

Mr Ondarchie — We know who is running the state.

Mr DAVIS — That is exactly right; we know who is running the state. We know who has got them by a direct control mechanism. These move-on laws are a major democratic protection, so I am deeply concerned about what will occur if they are removed. Mr Bourman made a very simple point that this is about community safety, and I think he is right. The move-on laws were about dealing with a situation in which somebody has a known or real propensity to behave in

a way that is going to cause trouble. The police in those circumstances ought to have additional capacities, and these laws have provided those additional capacities.

If the government is successful, as it has been in the lower house, in removing these protections from the community, it will be of significant concern. I read the Scrutiny of Acts and Regulations Committee (SARC) report. It did not deal with the fact that the removal of these protections will impinge on the civil liberties and rights of individuals, because a number of thuggish and out-of-control unions need these additional controls, and there is a long history of this in Victoria, going back to the Builders Labourers Federation and Labor periods in the 1980s.

I am hopeful that the federal Parliament, and the Senate in particular, will reintroduce the Australian Building and Construction Commission. That would provide a significant protection. The code here in Victoria provided another significant protection, and these move-on laws provided a third part of those significant protections. The truth of the matter is that whilst our trade union movement is a very important part of our community that in many respects needs to be protected, it also needs to live within the law and behave in a way that the community respects and is comfortable with. The key thing is that this bill removes a number of those additional protections. For that reason, I am opposed to the bill, as are both of the coalition parties.

Mr Dalidakis — You support all liberties except the right to protest.

Mr DAVIS — Let me just say, as Mr Bourman correctly pointed out, that everyone supports the right to protest, but not the right to protest in a threatening or unreasonable manner or in a manner that police consider misbehaviour.

Mr Dalidakis — If it's threatening or if it's abusive, the police have plenty of powers. You're incorrect, Mr Davis.

Mr DAVIS — The point is that these laws have provided additional protections. The points made by Mrs Peulich about the boycott, divestment and sanctions (BDS) movement protesters are also significant. There are some on the left of the Labor Party who would give the BDS protesters carte blanche to threaten and attack Jewish businesses and to cause significant divestment with huge impacts on businesses. That is reprehensible. In some circumstances these laws can provide additional protections for those businesses, and there is no question that many in the Jewish community support that.

We all want to see a community where people are able to peaceably put their point of view, peaceably protest and peaceably make their political points. We do not want a community where thuggishness is the order of the day and threats and intimidation are a significant part of community activity. That is unfortunately where some on the left of the Labor Party would see us land, and that is not something I want. For that reason I strongly support the coalition's stance — this bill should not be passed, because it is a threat to our civil liberties. I take issue with SARC because it did not pick up that the removal of these protections would see the civil liberties of some people curtailed.

Mr RAMSAY (Western Victoria) — I would like to make a small contribution to the debate on the Summary Offences Amendment (Move-on Laws) Bill 2015. I must say how disappointing it was to hear Ms Patten's contribution. I got quite excited that she was entering the Legislative Council and adding to the broad church of this chamber, and I seem to remember her infamous statement that she was coming in here all guns blazing; that she would remove all that riffraff outside the fertility clinic in East Melbourne, create exemption zones and push the protesters away. She has shrivelled like a leaf in the sunshine. She has bowed to the Greens and bowed to Labor. I thought she had more oomph than that, but sadly she has wilted when she should be standing strong.

As for the Greens members, they are hypocrites. They care for the freckled duck in duck shooting season, but they are more than happy to have horses punched, kicked, spat on and poked, as we saw happen in protests at Grocon construction sites. There are many protests where you can see animals put in danger by the activities of protesters, yet we do not hear a whimper from the Greens about that. The Australian Sex Party and the Greens have sadly let us down in supporting the dilution of what was a very important reform of the move-on laws.

I note that Labor was very happy to use third-party endorsements throughout the election campaign. It talked about the fireys and the ambos — except they were not real fireys or real ambos, just people in fancy dress. As far as third parties go, the move-on laws we introduced were supported by the Victoria Police Association, the Victorian Employers' Chamber of Commerce and Industry, the Master Builders Association of Victoria and the Australian Industry Group. All the key stakeholders in the business community of Victoria supported that reform, and they did so on the basis that the laws introduced by Premier John Brumby in 2009 had let us down. We all remember when John Brumby introduced the

vocational training competitive market, and what a bloody disaster that was.

Honourable members interjecting.

Mr RAMSAY — I am surprised there is no point of order.

I use that example to show that Labor has some history of introducing bills that need continuing refinement and have some disappointing aspects. This is certainly one of those bills.

One government member stated in their contribution that there were already laws in place to deal with people taking part in industrial and political protests, but that is not true. There were no such laws, and that is where John Brumby let us down in the legislation of 2009 — in failing to address the need for move-on laws in industrial and political protests. Where there are industrial and political protests there is usually antisocial behaviour and a hazardous environment. We have seen that with Grocon and Lend Lease. There is not a lot of life experience on the other side of the chamber, but I was at Mudginberri. In previous roles I have been attacked by animal rights groups, the Blue Wedges and anti-GM organism protesters. I have been attacked by groups from across the spectrum of the protest lobby, including the Construction, Forestry, Mining and Energy Union.

Mr Dalidakis — That's how you got into Parliament, the Victorian Farmers Federation pushed you on.

Mr RAMSAY — What Mr Dalidakis says is not true.

Under the law as it was before our amendments protest actions were completely exempt from move-on powers. Those laws, put in place by Labor, were designed to deal with the street yobbo influence. If Labor's bill passes, the government will be completely exempting political and industrial protests or pickets from move-on laws, and that is why the Victoria Police Association and all the other key stakeholders are opposing this amendment to the principal act, with good grounds.

None of the grounds for ordering a person to move on apply to peaceful protest. I think it was Ms Pennicuik who stood up and waved the flag about the right of freedom of speech. Even Ms Patten entered the debate in relation to that as well. Yes, we have freedom of speech and we have the right to peaceful protest, and our laws did not affect those rights at all. In fact if we support Labor's bill tonight we will not

be protecting those who need it most — that is, the ordinary law-abiding citizens who go about their business or the police who are out there protecting us or the ambulance workers or the fireys — —

The DEPUTY PRESIDENT — Time, Mr Ramsay!

Ms CROZIER (Southern Metropolitan) — I am pleased to speak in the debate on the Summary Offences Amendment (Move-on Laws) Bill 2015. In doing so I remind those in the chamber that when the former Attorney-General brought these laws into the Parliament under the previous government, he gave assurances to the Victorian community that the police would have the powers to move people on. This was important, especially in light of what had recently been witnessed on the Grocon site, the union activity that has been well canvassed this evening. When one talks about the Grocon Emporium site, Victorians have a clear vision in their minds of the standover tactics of the Construction, Forestry, Mining and Energy Union (CFMEU) that were displayed there. It was very unedifying. It was unedifying for our state, it was unedifying for our country and it was unedifying for the workers who were lawfully trying to get to their work site. We saw certain individuals undertake activity which was not only unedifying but extremely dangerous.

When I was doing some research on this bill I came across a really interesting article, which was headed 'All the right moves? Police "move-on" powers in Victoria'. The article talks about some of the background to why we introduced the move-on laws in Victoria in the last Parliament. In a paragraph with the heading 'Potential changes to Victorian law' the article says:

Both the Victorian Labor government and its Liberal opposition have advocated the introduction of 'move-on' legislation.

Tim Holding, then Minister for Police and Emergency Services, convened a task force to advise the government on key issues in the management of entertainment precincts, and to propose measures to safeguard amenity and community safety. The Inner City Entertainment Precincts (ICEP) Taskforce included state and local government, and statutory and regulatory authorities. A key recommendation made by ICEP was that the government investigate legislation to:

enable police to give a direction to a person in a public place if the police officer has reasonable grounds to believe that the person's behaviour or presence in the place is causing or likely to cause fear to another person or persons.

The then opposition leader, Robert Doyle, announced that he was intending to introduce move-on laws where

police can direct people out of an area and can even arrest, and that was really the start of the development of the policy on our part. But it is interesting that the state Labor Party and then Labor government were also looking at this issue very closely.

Labor is pretty good at paying back those who support it. Indeed the CFMEU is one of the very strong unions that have demonstrated significant support for the Labor Party. Numerous articles have been written in recent weeks in relation to this issue, which talk about payback, the effect of the repeal of the move-on laws and how it will reward union activity and some of the unedifying standover tactics used by various union members.

The government keeps describing the laws as 'draconian move-on laws', but when the then Attorney-General introduced the bill in Parliament he said that it was expanding the grounds on which police members and protective services officers may direct a person to move on from a public place and enabling police members to apply to the Magistrates Court for an exclusion order where they have repeatedly been directed to move on from a public place. The bill also amended the Sentencing Act 1991 by creating a new alcohol exclusion order that prohibits a person who has been convicted of a relevant offence from entering or consuming liquor in specified licensed premises in Victoria.

I think we all agree that peaceful protests occur on a regular basis. That is our democratic right. Nobody is denying people the right to exercise freedom of speech. To describe the laws as draconian is a little over the top, to say the least, but it is the way the government seeks to draw attention to this law. As other members have highlighted, in my area of Southern Metropolitan Region, where there is a significant Jewish community, members of that community are very concerned about the repeal of these laws. They have been the subject of the boycott, divestment and sanctions (BDS) movement, which was an unfortunate campaign that was run a couple of years ago, where businesses that were lawfully going about their business were subject to hostile and dangerous behaviour. It was completely unnecessary. It was seen as a slight on the rights of law-abiding businesses to conduct their business in the manner in which they were doing so. We are talking about a coffee shop, for goodness sake! What is wrong with that business undertaking — —

Mr Ondarchie interjected.

Ms CROZIER — As Mr Ondarchie says, it is a small business undertaking its activities and allowing

people to freely go into that coffee shop. Instead we saw a dreadful display of an unintelligent debate, an unintelligent protest and an unintelligent and ill-informed campaign by the BDS movement. I think the Jewish community has every right to be concerned about the repeal of these laws, because potentially that situation could arise again and again and the police and the protective services officers (PSOs) will not have the power to move people on as they did during that time.

Some of you may recall that in the Parliament we had protesters who refused to move. The PSOs could not remove the protesters, the police could not remove the protesters and so special forces — —

Mr Ondarchie — Tactical response.

Ms CROZIER — So tactical response came in. I thank Mr Ondarchie. We could not go about the work we are doing tonight, debating the issues. They disrupted our place of work, and that is the point of having these laws — protesters who refuse to move on and who are strident in their views, disrupting a lawful place of work. It is something that the opposition believes in strongly. We had the support of significant groups within the community for these laws, as has been highlighted by the examples given in this debate. Should this bill be passed tonight I fear that we will see more of that activity on the streets, and that will be bad for business. We have enough challenges ahead of us, with the ripping up of contracts and the government saying one thing before the election and doing another thing after. The community is fast losing confidence in this government — if it had any at all.

Mr Herbert interjected.

Ms CROZIER — We will see, Mr Herbert — through the Chair, Deputy President. Confidence in this state is significantly declining. Businesses are questioning what this government stands for and are concerned about who is running the state. They are concerned that the unions are in control and that Daniel Andrews is simply a puppet of the union movement. Repealing these laws is just another step in ensuring more power for the unions, and that is something that this state definitely does not need.

Mr FINN (Western Metropolitan) — I was going to say that it gives me pleasure to rise to speak on this bill, but sadly it does not because this bill is a vote for intimidation. It is a vote for thuggery and bullying — things that the ALP in this state has unfortunately become almost synonymous with in very recent times. That is unfortunate in itself.

As I told the house when the move-on laws were first put before the chamber around 2013, a couple of years ago, I have been involved in a peaceful march which I organise every year with my committee. This is a bill that would have been very handy for the March for the Babies that was hijacked and ambushed by thugs in the streets two years ago. It would have been very handy for preventing the physical violence that occurred — the assaults on women and children, as well as men I have to say — at that march. I recall very well a policeman turning around to me on the lines and saying, ‘If we had move-on laws, we would be able to do something about this.’ That is what the police officer said to me, and I will not forget it.

Mr Dalidakis interjected.

Mr FINN — I do not know why Mr Dalidakis is laughing. I do not know why he would find that funny. I do not know why Mr Dalidakis would find assaulting women funny. I do not know why he would find assaulting children funny. I do not know why he would find these things funny because I certainly do not. I do not find them even slightly amusing. I believe in protest. I believe in peaceful protest. I believe everybody has the right to express their view in a peaceful and lawful manner. Everybody has that right in a democratic society. Whatever our view is, we have the right to hold a protest if we are desirous of doing so.

It is a very simple proposition, and as I indicated I lead a march every year at which thousands of people protest against the obscene abortion laws in this state. I will be doing it again on 10 October this year, and if any members would like to come along, they would be very welcome. I do not oppose the right to demonstrate. I do not oppose the right to protest at all, but I do oppose intimidation, thuggery and bullying and I oppose physical violence, which this bill will allow if it is passed.

Of course we know whom members of the ALP are really out to protect with this bill. It is their mates in the trade union movement, and we have seen over recent months what their mates in the trade union movement are capable of doing. I do not know whether it was United Firefighters Union of Australia members — I do not know whether it was genuine firefighters; I doubt that very much — but my understanding is that it may well have been Construction, Forestry, Mining and Energy Union (CFMEU) members dressed as firemen who were out at the pre-polling booths and at the polling booths on the day of the election assaulting Liberal workers. I see that there are members of the Labor Party who are smiling. They know what I am

talking about, and they are only too happy to accept that their people were involved.

I am actually in the process of preparing a dossier on incidences where Liberal campaign workers were assaulted, intimidated and bullied at polling booths in the lead-up to the last state election. I am told by my friends in Queensland that exactly the same thing happened in the lead-up to the Queensland election, and believe it or not — you would not read about this — as late as yesterday I was told by somebody in New South Wales that the union heavies were out throwing their weight around and literally belting people around at the pre-poll booths in New South Wales.

They are the people this bill is aimed at. They are the people who were out supporting the Labor Party prior to the last election. They are the people who conducted themselves in a despicable manner. They conducted themselves in a way that has no place in a democratic society. I challenge anybody on the other side of the chamber to get up and defend those people who assaulted Liberal campaign workers and intimidated others. I challenge members of the Labor Party to do that.

This bill is part of — I say part because there is a lot more involved — paying back their mates at the CFMEU, other trade unions and various other organisations that supported them in the lead-up to the last election. You can say one thing about members of the Labor Party: they remember their mates. They remember those who went out there and supported them through fair means and foul, and I have to say there was a hell of a lot more foul than there was fair. The ALP knows it got into government on the back of these activities, and this bill is about supporting those individuals and organisations who got the Labor Party elected last November.

The thing we have to remember about the laws that this government is seeking to repeal tonight is that if you are behaving yourself, there is nothing to worry about. If you are conducting yourself in a peaceful and legal manner, you have nothing to be concerned about. You will not fall foul of the law. If you protest against abortion, yellow trams or whatever you would like to protest against — —

Mr Dalidakis interjected.

Mr FINN — You can protest against any number of things. You can protest against newly elected members of Parliament with huge egos, if you like. Mr Dalidakis may care to do that. I will provide the mirror for him to

do that. You can protest against anything you like, as long as it is done in a peaceful and law-abiding manner.

That is the nature of a democracy, and that is the case with the current laws. This bill is unnecessary to allow peaceful demonstration and peaceful protest in any way, shape or form. This is about allowing people who do not respect the law and who do not behave themselves to have free rein to do whatever they like whenever they like with whomever they like, and that is something this Parliament should take a strong stand on. The situation now allows peaceful protest but draws a line and says we will not allow people to abuse the system, to be violent or to be disruptive in an illegal manner. That is a very reasonable thing, and I cannot possibly work out why anybody would think otherwise, unless they have debts to pay, and that is what we are talking about here tonight.

We have heard from the Greens tonight, and it is always lovely to hear from the Greens — that may have been a lie —

Ms Shing interjected.

Mr FINN — Let me assure Ms Shing that the green tie is purely as a result of the Finn, O'Keefe and Darcy heritage that I hold, which is very Irish indeed, so it is a delight to stand here on St Patrick's night and not be at the Celtic Club with about 3000 others downing any number of chilled refreshments that may be passed my way.

This bill also brings to mind the fact that the Greens and elements of the left within the ALP, and possibly some of the right as well, are soft on crime. They have always been soft on crime and always will be soft on crime. I see across the chamber that the Minister for Training and Skills is shaking his head, but we know what some of these jokers think, and it is not pretty. Basically their view is that the police are somehow corrupt and will do the wrong thing. They automatically believe the police will do the wrong thing, but I do not accept that. I have seen Victoria Police in action over a long period of time in many different ways, and my support and confidence in Victoria Police is unshakable.

Mr Rich-Phillips — Tell us about Christine Nixon.

Mr FINN — I could tell you about Christine Nixon, Mr Rich-Phillips, but I have only 4½ minutes left, and I would need about three and a half weeks —

An honourable member interjected.

Mr FINN — She might be out to dinner, and I might go and get a bouffant at some stage or even write a book.

Our friends opposite have a basic contempt for law and order in this state and for the police. They believe the police are against the workers. I say to them that the people they are supporting are not the workers. The people they are supporting are the union bosses and union hacks who send their mates out to harangue, to harass and to belt people up if need be. They are the people this government is supporting.

The DEPUTY PRESIDENT — Order! Mr Finn, there is no need to shout.

Mr FINN — Your shout? I am sorry; I am going back to St Patrick's Day.

It comes back to a government that has total contempt for police and an attitude that is entirely soft on crime and owes big time to mates who deal in intimidation, thuggery and bullying as a part of their modus operandi and daily activity. That is what they do. They do not mind if they break the law, because that is what they do. The supporters of this government are happy to again be in a situation where they can go around harassing, intimidating and producing the sort of anarchy I have witnessed, resulting in assaults and the most appalling acts I have seen on the streets of Melbourne.

I urge members, even members of the government, as late as it is, to have a further think about this legislation. I ask them to think about the impact this legislation will have on law and order in this state. I ask them to think about what this legislation will do to the safety of the law-abiding citizens of this state. I ask them to stand up for ordinary Victorians, who just want to be protected by the law and have a police force that has the authority to do its job. This legislation is removing that authority from our police force, and that is wrong. As I have often said in this house, there are two things our police need to do their job properly: they need to be properly resourced, and they need the authority of the government and the Parliament to do their job.

Mr Herbert interjected.

Mr FINN — Christine Nixon wasn't a real copper; she was one of your hacks, and you know it.

The police in this state deserve far better than what this bill provides, just as every decent hardworking Victorian deserves far better than this bill provides. I urge members of this house to reject this bill. The

people of Victoria will thank them enormously for doing so.

Mr Ramsay interjected.

Mr FINN — As you say, Mr Ramsay — you are spot on the money, as always — all Victorians deserve better than what this government is providing through this bill. I urge all members to reject this piece of legislation.

House divided on motion:

Ayes, 21

Barber, Mr	Mikakos, Ms
Carling-Jenkins, Dr	Mulino, Mr
Dalidakis, Mr	Patten, Ms
Dunn, Ms (<i>Teller</i>)	Pennicuik, Ms
Eideh, Mr (<i>Teller</i>)	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Hartland, Ms	Shing, Ms
Herbert, Mr	Springle, Ms
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Melhem, Mr	

Noes, 17

Atkinson, Mr	Morris, Mr (<i>Teller</i>)
Bourman, Mr	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Drum, Mr	Rich-Phillips, Mr
Finn, Mr	Wooldridge, Ms
Fitzherbert, Ms	Young, Mr (<i>Teller</i>)
Lovell, Ms	

Pairs

Somyurek, Mr	Nationals vacancy
--------------	-------------------

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr HERBERT (Minister for Training and Skills) — Ms Shing will join me at the table.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I refer to the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006, which was tabled with the introduction to this bill. In it the minister stated:

In my opinion, the Summary Offences Amendment (Move-on Laws) Bill 2015, as introduced to the Legislative

Council, is compatible with human rights as set out in the charter.

How did the minister reach that opinion?

Mr HERBERT (Minister for Training and Skills) — It is the government's contention that the bill strikes an appropriate balance between protecting civil liberties and the need to maintain law and order. It is obviously and clearly compatible, because this bill enshrines the right to picket, protest and speak freely, the right to association — if it is not an illegal association — and the right to take part in public debate. I would have thought it certainly complies with that charter.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I take the minister to section 21 of the charter, which the minister has said the bill complies with. Section 21 is headed 'Right to liberty and security of person' and states:

(1) Every person has the right to liberty and security.

It is a fairly straightforward provision, yet the bill that the minister has said is consistent with the charter seeks to remove the capacity for police and protective services officers to move people on when their conduct is causing a reasonable apprehension of violence in another person. The minister is introducing legislation which removes the capacity for police to move a person on when someone is threatened with violence. How is that consistent with the right to liberty and security for the third party who is thus threatened?

Mr HERBERT (Minister for Training and Skills) — It is pretty straightforward. In terms of the charter, the bill supports freedom of expression, freedom of association and freedom to take part in public life. With regard to the points that have just been made, of course if there is illegal activity, it is covered by the Crimes Act 1958 and a range of other legislation.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Is the minister expressing the opinion that removing the capacity to move on somebody who is causing a reasonable apprehension of violence is consistent with supporting that person's security?

Mr HERBERT (Minister for Training and Skills) — No. It is nothing of the sort.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The minister states in his statement of compatibility for the bill that it is in fact consistent. He has now just said it is not consistent.

Mr HERBERT (Minister for Training and Skills) — It is pretty clear. There are three grounds which provide police with a broad base of move-on powers. They are quite explicit in the bill and, I would have thought, straightforward.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — He is inviting this! How is that — —

Mr Jennings — It is only you who is dancing.

Mr RICH-PHILLIPS — What was that?

Mr Jennings — You have been invited to the party, but it is only you who is dancing.

Mr RICH-PHILLIPS — How is it that the right to liberty and security, which the minister has said this bill is consistent with, is consistent with what the government seeks to do through its amendment to section 6(1)(e) of the Summary Offences Act 1966?

Mr HERBERT (Minister for Training and Skills) — The charter is of course about proportionality. I remind the member that in terms of this bill a police officer or a protective services officer will be able to use move-on powers in relation to persons who are breaching or likely to breach the peace or who are endangering or likely to endanger the safety of another person or whose behaviour is likely to cause injury to a person or damage to property or otherwise pose a risk to public safety.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — But not where that person is causing a reasonable apprehension of violence to a third party — that is, where somebody is threatening or intimidating a third party.

Mr HERBERT (Minister for Training and Skills) — I would have thought that the circumstances the member is alluding to would fall under those three points.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — How?

Mr HERBERT (Minister for Training and Skills) — We have breaching the peace, for a start; there is the element of endangering or being likely to endanger the safety of a person; and there is the element of causing injury to a person.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — In the second-reading speech the minister indicates that some of these provisions in the principal legislation are in the government's, or the

minister's, view draconian — an excessive scope of power for Victoria Police. The minister, however, in his answer just then has indicated that in his view this section of the Summary Offences Act 1966 — section 6(1)(e) — is in fact already covered by other provisions in the Summary Offences Act. Can the minister clarify whether it is his or the government's view that section 6(1)(e), which relates to a person causing a reasonable apprehension of violence in another person, is one of those provisions which the government regards as draconian or is one which the government regards as already covered by another provision?

Mr HERBERT (Minister for Training and Skills) — We believe it was unnecessary, or in the second place draconian, because it goes far beyond the scope of what is necessary under the law.

Mr DAVIS (Southern Metropolitan) — Referring to clause 1 and the repeal of certain amendments, I want to draw the minister's attention to some specific examples in real life that have impacted significantly in our community. I want to draw his attention to the example of the Max Brenner chocolate group and the attacks and threats that have been made to that group through the boycott, divestment and sanctions (BDS) program that has been put in place by a number of groups across this state. I ask the minister how the government intends to respond to any future BDS movement threats and how it would seek to respond once these aspects are removed from the code should this bill be passed.

Mr HERBERT (Minister for Training and Skills) — I will make it absolutely clear: the government strongly opposes the boycott, divestment and sanctions (BDS) movement. We believe there is no role in a respectful and harmonious multicultural Victoria for that sort of activity. We have absolutely made that clear, but these laws do not do anything about that — they are window-dressing. It is very clear that there are appropriate activities an individual can undertake, but unlawful industrial action can involve the committing of a range of offences, including besetting, trespassing and obstruction of roads or footpaths. There is a whole heap of actions that trigger police powers under existing legislation outside of these move-on laws.

Mr DAVIS (Southern Metropolitan) — With respect to the minister, I think this set of provisions is an additional aspect in the armoury of the police. Also, I know that there are at least six members of the parliamentary Labor Party who support the boycott, divestment and sanctions movement, and I know the

movement has many supporters within the ALP organisation. Leaving that to one side, the substantive point is that this is an additional aspect in the armoury of the police. Where a Jewish business, such as the Max Brenner chocolate group, has protesters at large threatening the business with the explicit stated intention of penalising and closing that business, or where an individual may have threatened or actually committed an offence, a police officer could use these provisions to move on such a political activist.

I accept the minister's point that he certainly personally would not want to see someone commit a political action of that type. I absolutely accept that, but there are some in our community who would seek to exploit the hole that would be created by the removal of these provisions to reinvigorate the BDS movement. In this context I ask the minister what provisions the police will be left with to move on an individual who is known to have created trouble or has threatened to create trouble, because these provisions would have been useful in moving on such a potentially racist and threatening individual.

Mr HERBERT (Minister for Training and Skills) — There are a few things inherent about illegal activity: if it is illegal activity, it is illegal activity. There is a whole range of crime legislation the police can act on, and we will continue to look at the legislation to see if there are gaps in the law in terms of protecting individuals and businesses from unlawful and violent activity. This is about move-on laws, though. Individuals can take other actions and measures to prevent unlawful protest and seek compensation for illegal activity. There is a whole range of measures, including injunctions and the recovery of damages resulting from illegal activity through the courts. There is a whole range of existing provisions remaining in the act. On the member's point, as I said earlier, there are three areas of the original move-on law the government supports, and they remain in this bill: they are breaching the peace, endangering the safety of others and causing injury to a person or damage to a property. They are in this bill.

Mr DAVIS (Southern Metropolitan) — With the greatest respect, suggesting that a Jewish business might seek compensation or recovery after the fact as a way forward is frankly not good enough, I am afraid. I am disappointed in the minister's response to that point, and I want to put on the public record that if he thinks that is good enough, I do not believe the community does.

I was pleased to hear the minister say that he will look at gaps in the law. I wonder if he might outline by what

steps or process the government or he or his counterpart in the lower house will look at gaps in the law?

Mr HERBERT (Minister for Training and Skills) — Certainly any imputation that I support the actions of that blockade I would take — —

Mr Davis — On a point of order, Deputy President, I was at pains earlier to indicate that I did not believe the minister would in any way condone that. In fact I very strongly believe that he is a person of great principle and would not in any way condone that. I want that recorded.

Mr HERBERT — I make the point that this is a pretty straightforward bill. We have had a lot of debate in here — there has been almost hysteria from some people — but it is a very simple proposition. We opposed the former government's bill because we thought it went too far in curtailing the whole area of civil liberties of people who had not committed a crime. We of course believe that strong legal action needs to be taken against illegal demonstrations or other illegal activity. However, we believe in the right of people to protest, and we believe in supporting the civil liberties that underpin our society.

On the existing law, which is what we are really talking about, there is a wide range of measures beyond what we are talking about today which provide the police with a whole range of powers in relation to a range of offences. Those offences include undue obstruction of a footpath or road; wilful trespass in a public place; wilful trespass in a private place; besetting; behaving in a riotous, indecent, offensive or insulting manner; disorderly conduct; property damage; and causing nuisance or allowing nuisance to exist where the nuisance is or is liable to be dangerous to health or offensive in the terms of the public health act. The act also places duties on councils to investigate such nuisances.

There is a range of provisions which we believe are sufficient. They are outside the scope of this bill. We are happy to debate them in relation to other bills, but we believe that in the act there is already a whole range of measures which will protect the rights of the police to act where it is appropriate.

Mr DAVIS (Southern Metropolitan) — I thank the minister for his response. He has indicated that he believes that the current law is sufficient. I take from that that there is no intent to look at gaps in the law through some other process. I was momentarily hopeful that the government was seeking to remove these laws but to replace them with some process by which it

would look at gaps in the law and perhaps seek to plug those gaps. Now I understand that that is not the case, so I record that and thank the minister for his response.

When the minister mentions civil liberties, I cannot help but ask: what weight, what right and what credit is given to those businesses that seek to lawfully carry out their activities and seek to lawfully go about their business and their civil liberties, which can be infringed directly by some protesters, in particular the BDS protesters that I have referred to and that he repudiates? I accept that he repudiates those groups, and I certainly repudiate them strongly. Given the actions of those groups that he repudiates, what protections are really there for the civil liberties of those businesses? I do not think the civil liberties will be adequately protected if this bill removes this additional layer of protection.

Mr JENNINGS (Special Minister of State) — I indicate for the committee's benefit that Mr Davis spent a lot of time in his contribution thinking about, ventilating and responding to the issues that the minister just laid out on the table, which —

Mr Davis — I thanked him.

Mr JENNINGS — Mr Davis thanked him. Mr Davis also recognised that the minister outlined provisions of the Summary Offences Act — from my count at least half a dozen — that create a rigorous framework which the police have within their armoury to protect the businesses that he is interested in. At the start of his contribution Mr Davis acknowledged that the minister had just responded by outlining at least half a dozen provisions, and then through a circular pathway he ended up asking exactly the same question that he had asked previously as if the answer did not exist. Through his contribution he erased the answer of the minister and asked us to start again.

This is a method I have seen Mr Davis apply on many occasions in many debates and in many instances in this chamber, and I think that at quarter to ten at night it would not be wise for the committee to go down a vortex to rub out the minister's answer as if it did not exist — to record it, note it, respond to it and raise new issues, but not to go back and start again.

Mrs Peulich — Surely he can defend himself.

Mr DAVIS (Southern Metropolitan) — I think Mrs Peulich summarises correctly. I hope the minister can defend himself, but he clearly needs the support of the leader to do that. Nothing will erase the fact that the minister has indicated that he will not look at gaps in the law once this is removed, nothing will indicate that the minister is seriously engaged with the issue of the

civil liberties of those businesses and nothing will erase the fact that he has indicated to the chamber in an unfortunate point that it is a matter for those businesses to recover after the event and to seek compensation after their businesses have been thumped into oblivion.

Mr HERBERT (Minister for Training and Skills) — Talk about being verbally! Nothing could be further than the truth, but I am happy to add some more laws that are available and that apply. There is conduct endangering a person under the Crimes Act 1958. There is conduct endangering life under the Crimes Act. There is causing nuisance and allowing nuisances to exist and there are nuisances to be liable for under the Public Health and Wellbeing Act 2008. If Mr Davis wants, I can repeat them ad nauseam, but there are all those other measures that I indicated earlier in relation to general offences for which for the police have powers right now in terms of action that police can take.

Mr DAVIS (Southern Metropolitan) — At one point the minister indicated that he may be prepared to look at gaps in the law after this repeal occurred, if it occurs, but he later indicated that he would not look at gaps in the law created by the repeal of these measures. Whilst he may list a long range of so-called remedies in the law, the fact is that the move-on laws have been effective in closing down a number of demonstrations, particularly those in front of Jewish businesses. I, for one, want to record that I am concerned that the steps being taken in this bill will lead to unfortunate outcomes. I reiterate my goodwill towards the minister personally in the sense that I do not think he has a racist bone in his body — but alas some in our community do. This set of provisions did create a significant capacity to deal with those matters, and I am very concerned that if they are repealed, a number of those characters — some associated with Labor and some not — will get off the leash again.

Mr HERBERT (Minister for Training and Skills) — Can I be clear; it is not that I intend to make new laws or not to make new laws. The government will continue to monitor the situation, as every government does. We are here to make new laws as things change. In relation to this bill we believe there are a number of existing protections. The issue should not be about scaremongering, quite frankly, and I am sure that is not the intention, but these things can get out of hand. This is a very simple bill. It is an election mandate; it is something we said we would do, and we are doing it.

Mr DAVIS (Southern Metropolitan) — I want to be quite clear that concern for businesses — Jewish

businesses, frankly, in the context of boycott, divestment and sanctions — is not scaremongering. It is a very real concern. Businesses have been threatened. There is a very clear pattern of behaviour by some. It is not scaremongering to be concerned about those businesses and what will occur. I thank the minister for his contribution, but I want to be quite clear. At first he said he would look at gaps in the law, but he has retreated from that. Now he has said that the government will, from time to time, look at things in — and I am going to use a phrase here which he did not use — effectively an ‘ad hoc’ way.

There is no process for after these laws are removed. If things get out of hand after their removal, businesses are threatened, people are hurt and there is economic damage, then the government will look again, perhaps in an ad hoc way, at dealing with these matters. I, for one, do not believe that is good enough. The concern is that looking at things in an ad hoc way, after the event, when the protections have been removed and — if I can use another well-known phrase — the genie is out of the bottle, is not good enough.

Mr HERBERT (Minister for Training and Skills) — I think we are going around in circles.

Ms FITZHERBERT (Southern Metropolitan) — I have a question that flows on from an answer the minister gave to a question from Mr Davis several questions back. The minister was taking the house through an array of existing legal provisions which he said can be used in place of the move-on provisions, thus rendering them unnecessary. If my memory serves me correctly, he referred to existing legal provisions regarding illegal industrial action. My question is this: precisely how would those provisions have assisted the people at Max Brenner in the face of the disgraceful boycott, divestment and sanctions protests that they were subjected to? How would those provisions have helped them?

Mr HERBERT (Minister for Training and Skills) — I thank the member for her point. The issue here is about illegal industrial action. We heard Mr Finn talking about trusting the police. We do trust the police. The point I was making is that there are a range of illegal activities, there are a range of laws under a range of legislation that police can use for illegal industrial or civil disturbance. The police have those powers; they can use them.

Ms FITZHERBERT (Southern Metropolitan) — I asked a quite specific question, which was: exactly how could the existing legal provisions regarding illegal industrial action have been used at Max Brenner? I fail

to see how there would have been coverage under the federal act, and I would like that to be explained to the house.

Mr HERBERT (Minister for Training and Skills) — I just cannot see how the boycott, divestment and sanctions dispute was an industrial one; I am sorry.

Ms FITZHERBERT (Southern Metropolitan) — My point is that it was not an industrial dispute; it was a civil protest, if I could put it that way — a very uncivil civil protest. The minister mentioned earlier in response to specific questioning from Mr Davis about that precise set of protests an array of what he said were existing legal provisions that could have been used in that situation. He mentioned the existing legal provisions regarding illegal industrial action. Now he has told us that it was not an industrial dispute, which seems to suggest to me that those provisions could not in fact have been used.

Mr HERBERT (Minister for Training and Skills) — We are talking about industrial action generally. The industrial action is covered under the Fair Work Act 2009 and regulations; it is also covered under tort law. It is something that is quite separate.

Ms FITZHERBERT (Southern Metropolitan) — But my original question to the minister was: how does it apply and how is there coverage at the Max Brenner site?

Mr HERBERT (Minister for Training and Skills) — I honestly think the member is misunderstanding what I say. A whole heap of issues apply. There are laws, trespass, besetting, obstruction of roads and footpaths. They all apply to what is a civil dispute, as opposed to an industrial dispute which is covered under the Fair Work Act.

Ms FITZHERBERT (Southern Metropolitan) — I am not asking about that range of legal provisions. I am asking very specifically about illegal industrial action, as defined under the federal Workplace Relations Act 1996. How would that have helped the people at Max Brenner? The minister is telling me it was not an industrial dispute, which I think clarifies for the house that they could not have used that act at all to help them.

Mr HERBERT (Minister for Training and Skills) — I think the member is misunderstanding me. I was not talking about boycott, divestment and sanctions, and industrial action. If we are talking about the boycott, divestment and sanctions issue, then that is covered by other laws.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I take the minister back to the second-reading speech, where the government refers to changes introduced to the Summary Offences Act 1966 last year and describes them as draconian, antidemocratic and unnecessary. Those changes and the repeal in the legislation being proposed this evening relate to section 6(1) of the Summary Offences Act. The legislation lays down eight categories with respect to the power for police and protective services officers to move on people under various circumstances. Is it the government's view that the capacity to move on a person who is or persons who are breaching or likely to breach the peace is antidemocratic or draconian?

Mr HERBERT (Minister for Training and Skills) — We retain the capacity to move on people under the three remaining grounds, and that is more than adequate. It is all about proportionality.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Is it the government's view that section 6(1)(a) is one of the provisions that is draconian and antidemocratic?

Mr HERBERT (Minister for Training and Skills) — I am not quite sure where the member is going with this, but 6(1)(a) is one of the measures we are keeping.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — With respect to the capacity to move on a person who is or persons who are endangering or likely to endanger the safety of another person, does the government regard that as antidemocratic and draconian?

Mr HERBERT (Minister for Training and Skills) — The legislation has eight powers, and we are keeping three. We are talking about the whole eight, which we think are unnecessary, basically politically motivated and more about rhetoric than reality.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — With respect to the capacity to move on a person who is likely to cause injury to a person or damage the property of another person or is a risk to public safety, is that capacity antidemocratic or draconian?

Mr HERBERT (Minister for Training and Skills) — We are retaining that measure. Once again, we consider the aggregate of the eight measures to be draconian, as opposed to the three principal measures that we think are more than adequate.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his explanation. Therefore I ask the minister: why is it antidemocratic and draconian to move on a person who has committed an offence within the last 12 hours in the public place concerned?

Mr HERBERT (Minister for Training and Skills) — We could pull them all out one at a time, but the government's viewpoint is very simple. There are five measures, and this is one of the measures that taken as a whole we considered inappropriate and unnecessary.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — We are not talking about that language; we are talking about the language in the second-reading speech where the laws were described as draconian and antidemocratic. What is antidemocratic or draconian about, for example, the capacity to move on a person who is causing a reasonable apprehension of violence in another person?

Mr HERBERT (Minister for Training and Skills) — We believe there are other measures that can cover that area. As I say, it is about striking a balance and proportionality.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — How does the existence of other provisions, unspecified, make this clause antidemocratic?

Mr HERBERT (Minister for Training and Skills) — There are three elements which are in addition to the criminal law and are more than adequate.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I have one final question for the minister. Again with respect to the capacity to move on a person who is causing or likely to cause an undue obstruction to another person or persons or traffic, how is moving on that person antidemocratic?

Mr HERBERT (Minister for Training and Skills) — Basically we are talking about the underpinning of democracy in terms of the balance between law and order and civil liberties. We believe that there are plenty of other measures available to the police in terms of being able to move on people who are obstructing footpaths et cetera, as well as council by-laws, which are fully covered and this measure in the bill is unnecessary.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — There is a difference between

unnecessary and what you have described as draconian and antidemocratic. The government has expressed the view that it is draconian and antidemocratic, and I ask again: how is moving on a person who is obstructing another person draconian?

Mr HERBERT (Minister for Training and Skills) — It is very simple. We believe that those measures that were put in place by the previous government are on the whole unnecessary. They are covered by other provisions and are not proportionate in terms of the whole legislation.

Mr DAVIS (Southern Metropolitan) — I will be very brief. I have two short questions. What happens under your law when a police officer wishes to move on a protester and does not feel comfortable arresting them as they are engaged in a political protest?

Mr HERBERT (Minister for Training and Skills) — If there were a breach of the law, why would a police officer not feel comfortable about arresting a person?

Mr DAVIS (Southern Metropolitan) — Because part of the authority of a police officer is being taken away in this process.

Mr HERBERT (Minister for Training and Skills) — As I said, we can think of hypothetical situations as much as we like, but it is absolutely clear in this legislation that we are continuing to ensure that police and protective services officers have the power to move on a person if they reasonably suspect that a person is breaching or likely to breach the peace, that a person is endangering or likely to endanger the safety of another person or that the behaviour of a person is likely to cause injury to a person or damage to property or is otherwise a risk to public safety. Police will make their own judgements; that is clear.

Mr DAVIS (Southern Metropolitan) — I have to differ.

Progress reported.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Shepparton rail services

Ms LOVELL (Northern Victoria) — My adjournment matter is for the attention of the Premier, and it is about Shepparton passenger rail services and

commitments he made when visiting Shepparton in July 2013. My request is that the Premier honour his 2013 commitment for improved rail services to and from Shepparton and that this be made a priority for the 2015–16 budget.

An article in the *Shepparton News* of 20 July 2013 headlined ‘Rail eyes opened’ outlines a visit to Shepparton by the then Leader of the Opposition and now Premier, Daniel Andrews, along with a sizeable delegation including Jacinta Allan, who is now Minister for Public Transport, as well as the current Minister for Planning, Richard Wynne, and former member John Lenders. In the article Daniel Andrews is reported as lamenting the state of transport services for the area, particularly as compared to other regional cities. After being briefed by council on the fundamental inadequacy of the train service to and from Shepparton, which at that point had only three services a day and no train that reached Melbourne before 9.10 a.m., Mr Andrews indicated Labor would support a Sprinter rail service to Seymour. Mr Andrews is quoted as saying:

I think what is surprising is that over such a long period of time, there has not been enough attention given to this very important region.

I'm happy to concede there needs to be more done around the Shepparton rail issue and transport options.

Mr Andrews is also reported as saying there was a good argument for a faster and more frequent Sprinter service from Shepparton to Seymour.

During just one term in government the coalition listened to the Shepparton community, significant improvements were made to the timetable and an additional morning service that reached Melbourne before 8.00 a.m. was added to the Shepparton line. During the election campaign the coalition further promised an additional weekday service from the Southern Cross station to Shepparton and a return service on Saturday and Sunday. Unfortunately Labor made no election commitments to Shepparton for rail services or anything at all.

I have already hosted the Leader of the Opposition, Matthew Guy, in Shepparton. He came up on the train, and he too agrees that the quality of service for Shepparton residents is not up to par. Since both sides of the house are in agreement that the service to and from Shepparton is simply not good enough, I fully expect the Andrews Labor government to honour the comments made by Daniel Andrews in 2013 to improve rail services for the city. In the article Mr Andrews is quoted as saying:

I'm not here to score points on that issue, there is a strong argument to say that there has not been enough investment in Shepparton rail. I want to not be focused on the past though, but firmly focused on the future.

So I ask the Premier not to give me an answer that focuses on the past. My request is that the Premier honour his 2013 commitment for improved rail services to Shepparton and that this be made a priority for the 2015–16 budget.

Portland National School building

Ms TIERNEY (Western Victoria) — My adjournment matter this evening is for the Minister for Education, James Merlino, and it is in relation to the Portland National School building, which is located on the Portland Primary School site. It is of architectural significance as one of only around 23 surviving examples of early national school buildings constructed in Victoria between 1851 and 1862 and as one of the earliest surviving examples of the work of local architect John Barrow. Its unfinished plan was typical of national schools of that period.

The former Portland National School is the oldest surviving government school building in Portland and dates from the earliest colonial settlement in Victoria. Hence we have one of the earliest surviving schools in Victoria. It has been in disrepair for many years, and there is a need for urgent attention. This is a building that has considerable heritage significance, and I request that the minister take action to assess the building and that options be developed so it can be preserved and fully utilised.

Corrections advisory committees

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Corrections. Corrections is a very complex portfolio with many different aspects, all of which can be very challenging. One of the traditions upheld by previous corrections ministers was to draw on advice from a range of sources to help the minister of the day come to informed decisions about the management and good order of the corrections system. Two sources of advice in the past have been the Women's Correctional Services Advisory Committee and the Justice Health Ministerial Advisory Committee, which was established by the previous government.

The Women's Correctional Services Advisory Committee is an important source of advice. Amongst its membership are such leaders in the field as Karenza Louis-Smith, the chief executive officer of the Australian Community Support Organisation; Sherri Bruinhout, the director of homelessness and justice

services for Melbourne City Mission; and Violet Lotter, the manager of women, family and children's support services for the Victorian Association for the Care and Resettlement of Offenders.

The Justice Health Ministerial Advisory Committee includes amongst its membership Professor Jim Ogloff, the director of psychological services at Forensicare and professor of clinical forensic psychology at Swinburne University of Technology; Associate Professor Mark Stoové, head of justice health research and HIV research at the Burnet Institute; Ms Jerril Rechter, the CEO of VicHealth; and Mr Matthew O'Keefe, the chairperson of the Victorian Association for the Care and Resettlement of Offenders.

These important sources of advice help the Minister for Corrections to come to good policy positions in a very complex environment. The Justice Health Ministerial Advisory Committee was looking at matters such as the success of the implementation of the smoking ban, which is due to take place from 1 July this year. It was also looking at issues such as how to accommodate a prisoner population with an ageing profile. With some of the new offences introduced into the statute book as a result of the report from the committee Ms Crozier chaired during the last Parliament, we have seen older sex offenders being brought to justice after years of living in the community. All of these issues present challenges. In the women's correctional system there are particular issues that do not exist in the men's correctional system.

My understanding is that these two important sources of advice have yet to be convened, after more than 100 days of this government. I would encourage the Minister for Corrections to convene the Justice Health Ministerial Advisory Committee and the Women's Correctional Services Advisory Committee —

The PRESIDENT — Time!

Royal Commission into Family Violence

Mr ELASMAR (Northern Metropolitan) — My adjournment matter is for Ms Richardson, the Minister for the Prevention of Family Violence. I have been contacted by several women in my electorate regarding the Royal Commission into Family Violence. While all the women are pleased with the establishment of the inquiry, there is a lack of understanding as to the process involved in providing a submission to that body. The action I seek is that the minister provide guidelines to electorate offices on how to submit written applications and how to apply to appear at hearings.

Methamphetamine control

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Premier and is in relation to the government's response to the joint parliamentary committee report on the supply and use of methamphetamines in Victoria.

The 1000-page report, with 32 chapters and 54 recommendations, was written on the basis of evidence collected over 10 months from 78 written submissions, 113 public hearings and 220 witnesses. The report was tabled in Parliament on 3 September 2014, just prior to the caretaker period of government.

Under section 22(1) of the Parliamentary Committees Act 2003 the government is required to respond to recommendations within a six-month period. Customary practice under the act requires the government to accept, reject or support in principle each recommendation so it is clear what the government's intentions are in respect of each separate recommendation.

While the demand for, use and impacts of crystal methamphetamine reach alarming levels in regional Victoria, the Andrews government has chosen to ignore the bipartisan report and commit instead to a 100-day talkfest, all while Victoria drowns in ice abuse. The final insult to the committee and to those who contributed their time and provided their stories of drug abuse and emotional pain was the response by the government today, which made no reference to the detailed recommendations.

There was no reference made to the recommendations of the Australian Crime Commission, which investigates organised crime, or to cross-border policing, rehabilitation beds in rural areas, specific recommendations for Indigenous communities, Project Stop for precursor purchases or protection for children exposed to chemistry labs in the home. All these formed part of the 54 recommendations that came out of this significant report.

Quite frankly the government's response is not good enough. It is a slap in the face for those who contributed to the report. I ask that the Premier provide the Parliament with the government's clear intent and its position on each and every one of the 54 recommendations of the report as a matter of urgency.

Ice Action Plan

Ms SYMES (Northern Victoria) — I recently joined the Premier in Wangaratta for the launch of the Andrews Labor government's \$45.5 million *Ice Action Plan*, a policy to which I am proud to have contributed. With community-driven initiatives and genuine investment behind it, the feedback from those in the sector is that it will reduce the supply, demand for and harm of this dreadful drug that has ruined so many lives, particularly across Victoria's regions.

I can confirm that at the Wangaratta event the Premier acknowledged Mr McCurdy, the member for Murray Valley in the Assembly and a member of the Law Reform, Crime and Drugs Prevention Committee, and also indicated that the work of the ice task force is not complete with the launch of the *Ice Action Plan* and that there is plenty more to do.

Mr Ramsay — What a waste of four months.

Ms SYMES — A 100-day *Ice Action Plan* is pretty good. Part of the announcement last week was that there will be a \$4.7 million increase to help families identify and manage ice users, \$1 million to support frontline workers who are at risk of getting attacked at work and \$18 million to provide innovative models of rehabilitation, allowing more people to get the help they need sooner. This investment will focus on our rural and regional communities, where services are needed most. This announcement was welcomed by all those who attended the forum in Wangaratta.

These initiatives are but one dimension of a complex societal problem, and it is equally important that we reduce the growing supply of ice on our streets. The plan includes \$4.5 million to help with the crackdown on clandestine drug labs, and it introduces laws to provide additional tools for police to charge people with dealing and manufacturing, as well as \$15 million for new drug and booze buses, which will support policing efforts to help keep drivers affected by drugs off the roads and act as a deterrent for users to get behind the wheel of a car.

Labor will work closely with Victoria Police in supporting those on the front line who come face to face with the devastation ice is having on our communities.

I request that the Minister for Police join me in Northern Victoria Region to meet with police officers and hear firsthand their experiences in dealing with ice and related drug offences and their hopes and

aspirations for ridding communities of its damaging and destructive grip.

Family violence

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the Minister for the Prevention of Family Violence, which is very much in line with the point raised by Mr Elasmar. I will not say I had the privilege, but I did have the opportunity to attend the Frankston Domestic Violence Forum held last week, which had a range of speakers urging greater understanding, more research and practical assistance.

One particular speaker, Dr Dina McMillan, presented a compelling argument that prevention of abusive relationships is possible by avoiding people who have particular psychological characteristics which are dominated by a skill to manipulate. Dealing with the causes of domestic violence surely has to be an integral part of the equation of this royal commission.

Following the forum, a number of women and a number of stakeholders raised with me the fact that there is a lack of awareness about how to make a submission to the royal commission. In particular there was very little discussion of the multicultural demographic and of the incidence of domestic violence in same-sex relationships. There was some mention of gender equality, but clearly that does not explain the causes of violence in same-sex relationships. There was also little mention of members of the Indigenous population and their experience of domestic violence and family violence.

It seems to me that, firstly, there is a great deal of confusion about the breadth of the inquiry, with concerns raised that it is not going to be a root-and-branch examination of domestic violence if the causes do not form an integral part of the considerations. Secondly, there is a lack of awareness about how to make a contribution. My office has been contacted for information, but I have received none. I also note that the closing date for submissions is 29 May, so the deadline is galloping ahead. My concern is that this valuable opportunity will be missed, because I cannot see how the volume of work that needs to be done before the closure of submissions can possibly get done.

I am concerned that the causes of family violence have not been given sufficient emphasis in the inquiry's terms of reference. If members have a look at the terms of reference, they will note that the minister herself said that she wants an examination of the systemic failures and the gaps. But how can a royal commission report

effectively on family violence if it does not establish and acknowledge the causes and the contributing factors? Ultimately the incidence of family violence or domestic violence will not be reduced unless we have an understanding of the causes and the contributing factors. I just do not see that happening now — certainly not by the inquiry's current time line. There is a void in the community's understanding about how to make a submission. I ask the minister to address those concerns to make sure this valuable opportunity is not lost.

Mooroolbark East Primary School

Mr MULINO (Eastern Victoria) — My adjournment matter is for the attention of the Minister for Education, and I ask that the minister visit Mooroolbark East Primary School, meet with teachers, students and parents and discuss the school's needs. Education is one of the most important areas of policy for any government. It has both an economic and a social dimension. The economic dimension is about the broader productivity of the economy, economic growth and the employability of people throughout society. There is of course a social dimension that relates to participation, opportunity and people's autonomy and ability to actualise their potential if they are educated more completely.

Education is particularly important in the early stages. There is growing empirical literature about the importance of public school education, about education at even earlier stages and about how effective education at those very early stages is very important for people's lifelong capabilities, so it is important that the minister continue his good work in the primary school space. I know he is actively visiting primary schools right across my electorate, so I am keen to invite him to meet with me at this particular primary school.

The school was established in 1972, and as such it services an established part of the city. Importantly, however, it also services an area that covers a number of new housing estates. There are something like 400 new home sites covered by the school zone. That means the school is facing a lot of the challenges that schools servicing new areas face — transport challenges, demographic challenges and so on. The school has a lot of resources, with three main buildings and portable classrooms. In 2003 it was partly refurbished as part of the Building the Education Revolution program. It has 3 to 4 computers in every classroom plus a computer lab with 29 computers and it has internet access throughout the school, but much more needs to be done.

Therefore it is one of those schools that is a good candidate for the government's wideranging \$630 million program to fix school buildings. It would be worthwhile for the minister to visit the school and discuss in detail with all of the key people — teachers, students and parents — the best way forward for the school. I look forward to meeting with the minister at some point when his diary allows.

Sunbury municipality

The PRESIDENT — Order! Top o' the evenin' to you, Mr Finn.

Mr FINN (Western Metropolitan) — An' the rest of the day to yourself, President.

I raise a matter for the attention of the Minister for Local Government. It follows on from a constituency question I asked earlier today and your advice, President, and I particularly want to thank the Leader of the Government who offered me the advice that this particular criticism needs a lot more than I was able to deliver today, so I thank him for that. It concerns the Sunbury out of Hume process, which it has to be said is a huge issue in the Sunbury area. The deep concern as to whether this will actually happen has become a major worry since the minister announced last week — I think she announced last week — that the new Sunbury council will in fact not come into being on 1 July as the previous government had gazetted. It was fascinating to hear the minister blame the Hume City Council for this delay.

Like the rest of us, the Hume City Council did not know what was going on, and it told us that. The minister had not told anybody. She had not been able to make any decision, let alone make any decision public, and she was dragging her feet. We could not quite work out whether this was a deliberate dragging of her feet or something that just comes naturally to her. The Australian Services Union and the local ALP branch oppose the new Sunbury council, and up until last week the government had been stony silent on the matter, leaving a great many people to wonder out loud exactly what was going on.

It took a media conference attended by David Davis, Bernie O'Farrell, the president of the Sunbury Residents Association, and me to flush the minister out. It was an extraordinary thing because within hours of the press conference the silence of months prior had been smashed, with the minister blaming Hume City Council — and I should point out that of course the Hume City Council is a Labor-dominated council — and informing us that it is Hume City Council's fault.

That flies in the face of what the community knows and what Mr Davis and I had been told at a meeting with the Hume council the day before.

My understanding of Hume council is, and in fact it has told us, that it is prepared to respect the will of the people as expressed at the ballot box. It is prepared to accept that Sunbury needs to get out of Hume. To accuse the council of sabotage is a foul slur on that council, and I ask the minister to make an apology to the Hume City Council forthwith.

Responses

Ms PULFORD (Minister for Agriculture) — Ms Lovell raised a matter for the attention of the Premier in relation to rail services to Shepparton, and I will forward that to the Premier for a response.

Ms Tierney raised a matter for the attention of the Minister for Education in relation to the Portland National School building, and I will pass that on to the minister.

Mr O'Donohue raised a matter for the attention of the Minister for Corrections around ministerial advisory councils. I will pass that on to the minister, but in doing so I note the appointment last week of Ms Symes as chair of the Women's Correctional Services Advisory Committee, and I congratulate her on that appointment.

Mr Elasmara raised a matter for the Minister for the Prevention of Family Violence. It was an important question about how electorate offices can support people who wish to make submissions to the important work that is being undertaken by the Royal Commission into Family Violence.

Mr Ramsay raised a matter for the attention of the Premier in relation to Labor's \$45 million *Ice Action Plan*.

Mr Ramsay interjected.

Ms PULFORD — Was it for the Premier?

Mr Ramsay — Yes, but it was not in relation to the ice plan. It was in relation to the report and its recommendations.

Ms PULFORD — I stand corrected. Mr Ramsay did mention the government's policy in his adjournment matter, but I will pass that on to the Premier, and I thank Mr Ramsay for his adjournment matter.

Ms Symes raised a matter for the attention of the Minister for Police on the question of the government's

Ice Action Plan, and I will refer that matter to the minister for a response.

Mrs Peulich raised a matter for the attention of the Minister for the Prevention of Family Violence, again on the question of how people can have input into the royal commission and its deliberations, and I will pass that on to the minister.

Mr Mulino raised a matter for the attention of Mr Merlino, the Minister for Education, in relation to a primary school in Mooroolbark, and I will pass that on to Mr Merlino.

In the final adjournment matter for this evening Mr Finn raised a matter for the attention of the Minister for Local Government in relation to Hume council and the community of Sunbury.

I also indicate that I have 24 written responses to adjournment debate matters: Mr Drum on 23 December 2014; Mr Davis, Mr Finn, Mr Leane, Mr Melhem, Mr Morris, Mr O'Donohue and Mr Ondarchie on 10 February; Mr Davis, Mrs Peulich, Mr Ramsay, Ms Shing and Ms Springle on 11 February; Mr Eideh, Ms Lovell, Mr O'Donohue and Mr Ramsay on 12 February; Dr Carling-Jenkins on 24 February; Mr Eideh, Mr Finn, Mr Ramsay and Ms Symes on 25 February; and Mr Mulino and Ms Springle on 26 February.

The PRESIDENT — Order! Ms Pulford just raised with me as an aside whether or not it was appropriate in a couple of cases for matters to be referred to the Premier when there are ministers with specific jurisdiction over those matters. I refer to the matter of Shepparton train services and perhaps Mr Ramsay's matter in relation to the parliamentary committee report. In Ms Lovell's case she was referring to commitments or statements the Premier had made, and Mr Ramsay was referring to a report that had been given some consideration and had been remarked on by the Premier. Those matters are in order to be directed to the Premier in that sense. However, I indicate to members that a swifter and more comprehensive response would normally be expected if the question were directed to the minister with specific jurisdiction — notwithstanding that in these two cases the Premier has established public positions on which the members have sought to receive more information.

The house stands adjourned.

House adjourned 10.27 p.m.

WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE

Responses have been incorporated in the form supplied to Hansard.

Murray Basin rail project

Question asked by: Mr Drum
Directed to: Minister for Regional Development (for the Minister for Public Transport)
Asked on: 26 February 2015

RESPONSE:

On behalf of the Minister for Public Transport, I can advise the Member that:

As indicated on the Department of Economic Development, Jobs, Transport and Resources website; that website, and the former departmental websites it links to, are currently being updated to reflect the outcome of the realignment of Victorian Government departments.

The Andrews Labor Government is committed to delivering the full Murray Basin Rail Project.

Labor has committed \$30 million to Stage 1 of the project and we are getting to work straight away by bringing forward \$5 million in this financial year to conduct preconstruction safety and maintenance works.

Unlike the former government who made empty promises on a whim, the Andrews Government will be considering the options in the business case, which we expect to receive this year.

The business case is currently being finalised and will provide options for how best to progress the next stages of the project.

Public holidays

Question asked by: Mr Dalla-Riva
Directed to: Minister for Small Business, Innovation and Trade
Asked on: 25 February 2015

RESPONSE:

I am informed that my Department has not received this advice from the Australian Hotels Association.

It is for businesses to decide their trading arrangements on particular days.

However, we will continue to consult with all stakeholders as part of the Regulatory Impact Statement (RIS) process for the rollout of the Easter Sunday and Grand Final Friday public holidays, including the Australian Hotels' Association.

Vocational education and training

Question asked by: Ms Pennicuick
Directed to: Minister for Training and Skills
Asked on: 26 February 2015

RESPONSE:

I am informed as follows:

The training provider is regulated by the Australian Skills Quality Authority and as at 11 March 2015 had not been suspended or deregistered.

Vocational education and training

Question asked by: Ms Pennicuick
Directed to: Minister for Training and Skills
Asked on: 26 February 2015

RESPONSE:

I am informed as follows:

The VRQA has commenced a campaign targeting the delivery of the Certificate III in Commercial Cookery as an apprenticeship.

Vocational education and training

Question asked by: Ms Pennicuick
Directed to: Minister for Training and Skills
Asked on: 26 February 2015

RESPONSE:

I am informed as follows:

The VRQA is undertaking this work from within its existing resources.

The development of campaigns represents a new approach to quality assuring the delivery of apprenticeships by the VRQA. The campaigns allow the VRQA to apply a risk based approach to investigations. Factors considered by the VRQA in selecting occupations and qualifications for a campaign include:

- Intelligence gathered by VRQA field officers.
- Intelligence and market research provided by other Government agencies and industry stakeholders.
- Analysis of data relating to apprenticeship and traineeships. For example, identifying qualifications with rapid growth in enrolments.
- Complaints from apprentices/employers or registered training organisations.
- Policy changes relating to Government funding that affect the behaviour of employers, apprentices and registered training organisations.
- Potential risks to the public.

Hird Swamp game reserve

Question asked by: Mr Young
Directed to: Minister for Small Business, Innovation and Trade (for the Minister for Environment, Climate Change and Water)
Asked on: 26 February 2015

RESPONSE:

Labor takes environmental water seriously. The Victorian Environmental Water Holder (VEWH) and Catchment Management Authorities (CMAs) work together on the use of environmental water. The management actions of the North Central Catchment Authority (NCCCA) are within the bounds of the VEWH seasonal watering plan.

Hird Swamp has received environmental water this season. A total of 945 megalitres was delivered to the site from 30 October to 2 December 2014. The North Central Catchment Authority made a decision to water Hird Swamp in November, but not to deliver any water after the 2nd December in response to scientific advice. In the case of Hird

Swamp, drying is being undertaken to restrict the growth of common reeds that threaten the diversity for waterbirds. This decision was aimed at getting the best environmental and ecological outcomes for the wetlands, which need wet and dry periods to remain healthy.

These management actions are designed to ensure a healthy wetland which will continue to support plants, animals and recreational activities into the future.

Hird Swamp game reserve

Question asked by: Mr Young
Directed to: Minister for Small Business, Innovation and Trade (for the Minister for Environment, Climate Change and Water)
Asked on: 26 February 2015

RESPONSE:

Consultation is a crucial part of the development of water plans. Broad consultation was undertaken in relation to the Hird Swamp water plan. I have asked Department of Environment Land and Water and Planning (DELWP) to work collaboratively with the CMAs to improve consultation on matters such as these to ensure all interests are taken into account. It is important that stakeholders and communities have a say and are clear on how decisions are made.

Public holidays

Question asked by: Ms Wooldridge
Directed to: Minister for Families and Children (for the Minister for Health)
Asked on: 26 February 2015

RESPONSE:

I am informed that:

Commencing this year, Easter Sunday and Grand Final Friday will be declared public holidays.

Preparation of a Regulatory Impact Statement — which includes a community engagement period — is currently underway for these public holidays, and will be completed prior to Grand Final Friday 2015.

The Statement will provide quantitative and qualitative analysis of the benefits and costs of the two new public holidays.

Employees who are required to work on Easter Sunday will benefit from an increased penalty rate, rising from the ordinary Sunday rate to a public holiday penalty rate.

Any additional funding required to support public health and aged care services meet the costs of these additional public holidays is subject to the Government's consideration during the 2015–16 Budget process.

The Easter Sunday public holiday will be introduced via a notice in the Government Gazette, allowing Victorian businesses to put in place their trading arrangements and to organise employee rosters.