

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 8 December 2016**

**(Extract from book 19)**

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# HANSARD 150



1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard*.

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

## **The Governor**

The Honourable LINDA DESSAU, AM

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

(to 9 November 2016)

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

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Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Thomas, MP

### Legislative Council committees

**Privileges Committee** — Ms Hartland, Mr Herbert, Ms Mikakos, Mr O'Donohue, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

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

### Legislative Council standing committees

**Standing Committee on the Economy and Infrastructure** — Mr Bourman, #Ms Dunn, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Leane, Mr Morris and Mr Ondarchie.

**Standing Committee on the Environment and Planning** — #Mr Barber, Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Eideh, #Ms Hartland, Mr Melhem, #Mr Purcell, #Mr Ramsay, Ms Shing and Mr Young.

**Standing Committee on Legal and Social Issues** — Ms Fitzherbert, #Ms Hartland, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

# participating members

### Legislative Council select committees

**Port of Melbourne Select Committee** — Mr Barber, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

### Joint committees

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

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

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

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

**Environment, Natural Resources and Regional Development Committee** — (*Council*): Mr Ramsay and Mr Young. (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward.

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

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

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

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

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

**Scrutiny of Acts and Regulations Committee** — (*Council*): Ms Bath and Mr Dalla-Riva. (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, 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* — Clerk of the Legislative Council: Mr A. Young

*Parliamentary Services* — Secretary: Mr P. Lochert

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

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**Deputy President:**

Mr K. EIDEH

**Acting Presidents:**

Ms Dunn, Mr Elasmarr, Mr Finn, Mr Melhem, Mr Morris, Ms Patten, Mr Ramsay

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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:**

Mr L. B. O'SULLIVAN

**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
Bath, Ms Melina <sup>2</sup>	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David <sup>1</sup>	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew <sup>4</sup>	Northern Victoria	Nats
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 <sup>3</sup>	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	SFFP

<sup>2</sup> Appointed 15 April 2015

<sup>3</sup> Resigned 27 May 2016

<sup>1</sup> Resigned 25 February 2015

<sup>4</sup> Appointed 12 October 2016

**PARTY ABBREVIATIONS**

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





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**Thursday, 8 December 2016**

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.36 a.m. and read the prayer.**

**COUNTRY FIRE AUTHORITY  
AMENDMENT (PROTECTING  
VOLUNTEER FIREFIGHTERS) BILL 2016**

*Introduction and first reading*

**Mr O'DONOHUE (Eastern Victoria) introduced a bill for an act to amend the Country Fire Authority Act 1958 to ensure the protection of volunteer firefighters and for other purposes.**

**Read first time.**

**SUPREME COURT JUDGES**

**Report 2014–15**

**Ms TIERNEY (Minister for Training and Skills) presented report by command of the Governor.**

**Laid on table.**

**GEELONG CITIZENS JURY**

**Interim report**

**Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I desire to move, by leave:**

That there be laid before this house a copy of the Geelong Citizens Jury interim report, November 2016.

**Leave refused.**

**STANDING COMMITTEE ON THE  
ENVIRONMENT AND PLANNING**

**Fire season preparedness**

**Mr DAVIS (Southern Metropolitan) presented interim report.**

**Laid on table.**

**Ordered to be published.**

**Mr DAVIS (Southern Metropolitan) — I move:**

That the Council take note of the report.

In doing so, I make some brief comments. This is an important inquiry. It is an ongoing inquiry, and the committee has moved to extend the reporting timetable. We have taken evidence across the state. I want to

compliment, in the first instance, the committee staff for their work and their remarkable commitment to this reference. We have heard evidence, as I said, from right across the state. It has been important to hear material about preparatory burning and other techniques to ensure that our bushfire preparedness is high. We have also heard at some length about issues around the Country Fire Authority and the dispute with the enterprise bargaining agreement and its impact on fire season preparedness. It is very clear that that dispute is having an impact on fire season preparedness, at least in my view, and that will be a matter for the committee to make further comment on in its final report when that comes.

This interim report lays out a number of the aspects of the committee's activities. It also lays out some significant points about the resourcing of the committee. President, I have written to you on a number of occasions pointing out the need for technical and other support for our committees. This is one of those inquiries that does require some specific technical support, and we look forward to seeing some of that if that is at all possible, because it would give the committee greater capacity to discharge the work that it is doing.

The committee will also hold further hearings in the coming period to look at matters around, for example, the skycrane — that is, a decision of the government to move the skycrane from Ballarat to Moorabbin — and other key matters, including landscape planning overlays and their impact on the matters surrounding fire season preparedness.

The committee will also seek to hear evidence about payments to the United Firefighters Union that were made in the early period of the government.

**Ms Shing** — No, it won't.

**Mr DAVIS** — Indeed it will.

**Ms Shing** — No, the committee won't in fact do that at all.

**Mr DAVIS** — We will seek to do that indeed.

Let me be clear here too that the committee also is determined to proceed with recommendations as its inquiry continues on how the state can prepare for fire seasons, how the state can be made safer and how the state can indeed undertake the work ahead of time so that all parts of our preparatory work and also the response work are of the highest standard.

It is very clear that the back-burning challenge that exists across the state is something that has exercised this chamber in the past. I was here, as were a number of others, when the report of the 2009 Victorian Bushfires Royal Commission was brought to this chamber and we debated its findings about back-burning and preparatory burning, and that has been the subject of significant evidence to our committee's inquiry in the recent period. The government has obviously changed its approach to burning and its use of targets, and that is also a significant point that the committee will seek to make comment on in due course.

They are all important issues for the state, and I again reiterate the importance to the community of this inquiry and the significance of the work that has been done by the committee members and particularly the staff of that committee. I thank Mike Baker in particular and Anthony Walsh and others, who have committed an enormous amount to this work, and we could not have achieved it without their support.

**Ms SHING** (Eastern Victoria) — I rise to make a contribution in relation to the Standing Committee on the Environment and Planning's inquiry into fire season preparedness, which is the subject of an interim report being tabled today. In this regard I note the blatant politicisation of this particular inquiry in the process as it has been undertaken by this particular committee. In particular I note that the Hansard transcripts bear out a striking and alarming exchange between the chair of the committee, Mr Davis — this is on the public record — and various witnesses who provided evidence in the course of this inquiry which resulted in an alarming slanging match that arguably brought the entire committee into disrepute.

For the record it is important to note that whatever the chair of the committee may indicate as being his preference for what the committee might do from here is not in fact a view shared by others on the committee. In fact the issue of bushfire preparedness and the extent to which the Victorian community is served by existing services, processes, resources and facilities is something which we have turned our minds to, notwithstanding the terrible lowest common denominator approach taken by those opposite, who would seek to waste the very resources that they say are now insufficient such that we require additional time to bear out the nature of the inquiry terms of reference as they currently stand.

I am very grateful to the secretariat, who has endured a significant litany of concerns, politicisations and ridiculous partisan tactics from certain people on this

committee. I am grateful for their steadfast dependability and the way in which they have applied themselves with diligence and discipline to make the best of what we have here in terms of a process that has at almost every turn been railroaded, with corners cut and with efforts to politicise this issue despite the importance of community safety that those opposite would have us believe is their paramount concern.

**Mr MELHEM** (Western Metropolitan) — I also rise to speak on the interim report of the inquiry into fire season preparedness and echo the words used by Ms Shing. Even though I joined the committee halfway through this particular inquiry, sadly it has been used as a political football and it has not focused on what the terms of reference were specifically designed to look at — fire preparedness. In fact the bulk of the hearings and evidence heard by the committee and driven by the chair of the committee were about the Country Fire Authority-United Firefighters Union enterprise agreement. I thought it was about whether we are actually prepared to fight another fire season in Victoria, and that particular issue was not really relevant to the work of the committee apart from pursuing a particular political agenda.

What we heard from experts who were actually talking about the real issue, which is how prepared we are for the fire season, was great evidence received from various people. It gave me a bit of confidence that we actually are prepared and very well equipped as a state to face the next fire season, which is expected to be an extreme one because of the weather we have had.

I wish that going forward political thinking will be taken out of it and the committee will focus on the real issue. I have got full confidence in our Country Fire Authority — both full-timers and volunteers — to protect the state, and I am sure they will do a fantastic job, as they have done over the years.

Finally, I want to congratulate and thank the secretariat, in particular Michael Baker, who is doing tremendous work, because there is a resource issue. There is no question about that, and that is where I think this Parliament and its committees need to prioritise what work we need to do so we put less stress on these scarce resources and use them strategically for real issues and not for political issues.

**Ms BATH** (Eastern Victoria) — I rise to make a few comments on this report. First of all, I too would like to thank the secretariat — that is, Michael Baker and, before him, Joel Hallinan, along with Anthony Walsh and Michelle Kurrle — for the behind-the-scenes work of this committee. We travelled

quite extensively into regional Victoria, including Morwell and Bairnsdale in the Eastern Victoria Region electorate. I would also like to thank Hansard for travelling and doing such an outstanding job in various places.

At those locations in Gippsland we heard from a number of volunteers who did comment that the proposed enterprise bargaining agreement is certainly having an effect on morale, and they had many concerns about how it will affect their operation. I think it is important to note that, and people can certainly read that in their submissions and in the committee's transcripts.

I will have more to say in relation to the whole fire preparedness report, but I will do so next year in my report schedule.

**Ms DUNN** (Eastern Metropolitan) — I rise to speak on the interim report from the environment and planning committee on the inquiry into fire season preparedness and just to make a few comments because, as Ms Bath indicated, the final report will be coming next year, which probably reflects the enormous amount of work that this particular committee reference has generated in terms of the complexities around fire preparedness for the state and the approach undertaken by agencies in relation to preventative burning. The committee certainly heard a lot of evidence to support the move away from a blunt, target-based approach to fuel reduction burning across the state to a risk framework. It has been interesting to see the evidence in relation to that. Unfortunately, to my mind, there probably has not been adequate exploration in relation to issues around ecological damage. It is unfortunate that much of the committee's time seems to have been used in a way that did not actually meet the terms of reference of the inquiry. That is frustrating because I do not think it does the inquiry justice.

I would like to thank the team that supports the work of the committee, particularly in relation to this inquiry; it has been far-reaching. We have travelled the length and breadth of the state and been supported by some very dedicated staff here in the Parliament. I look forward to speaking further on this when the final report comes out next year.

**Mr RAMSAY** (Western Victoria) — I also want to briefly speak on the *Inquiry into Fire Season Preparedness* interim report of the Standing Committee on the Environment and Planning. I appreciate that I am doing so only as a participating member, of which I am reminded on occasions. Nevertheless I have actually

enjoyed participating in this committee, particularly in relation to this interim report, given the importance of the findings and recommendations within it. That is because over a long period of time I have been closely associated with firefighting as a member of the Country Fire Authority, as a farmer and as a leader of a farmer organisation, being involved in the many fires that we have had across Victoria.

It was important that we went out into regional Victoria, listened to what stakeholders were saying in relation to how the state has prepared for the firefighting season. Unfortunately what we have learned through the process of the hearings is that there are a lot of shortcomings in how the state has prepared for the fire season. Many of the fire prevention burning targets have not been met. In fact they have not been met by a long way, and obviously with the build-up of fuel load there have been concerns around resources and funding.

Nevertheless, this is only an interim report. It is an important body of work, and I congratulate the committee members, who took a bipartisan approach to this inquiry. I thank the staff for their endeavours in making sure that we did move around regional Victoria and hear from witnesses and different stakeholders; their evidence certainly contributed to this interim report. I also congratulate the chair, who managed to make sure the committee was focused on their endeavours in meeting the requirements and terms of reference of this inquiry.

**Motion agreed to.**

### **Rate capping policy**

**Mr DAVIS** (Southern Metropolitan) presented third report, including appendices, together with transcripts of evidence.

**Laid on table.**

**Ordered that report be published.**

**Mr DAVIS** (Southern Metropolitan) — I move:

That the Council take note of the report.

In doing so I reiterate my earlier comments about the support that has come from the committee secretariat, Michael Baker and Joel Hallinan, which has contributed mightily to the work that has been undertaken, and also from Michelle Kurrle, Anthony Walsh and Prue Purdey in the committee's office. The work done has been extraordinary. We have had great cooperation from many councils and the relevant sector

bodies, the Municipal Association of Victoria, the Victorian Local Governance Association and LGPro, and I thank them for the evidence they have provided.

There are a number of recommendations that the committee makes in terms of the rate capping system. The committee recommends that the review of the system be independent, public and transparent with terms of reference that include time frames and the variation process. The committee also recommends that the government simplify and stream the variation process to reduce costs to local government and the community.

A significant part of the evidence on this occasion related to the costs and complexity of the variation process. Many of the councils that applied for variations were unsuccessful. Others were dissuaded from applying for variations. There are legitimate reasons to apply for variations which do not in any way diminish the need to restrain costs and keep costs to ratepayers as low as is possible given that the CPI at the moment is around 1 per cent, give or take a tiny bit. It is very low indeed. That CPI is not reflected in the government's arrangements at the moment, where they have got a rate cap of 2.5 per cent, so it is around two and a half times CPI.

Notwithstanding that, the points that were made to us about rate capping and the variation process are legitimate. Whatever variation process you are going to have, what you do not want is one that is costly, cumbersome, time rich and unpredictable, and that is what the government has achieved with the variation process. I think right across the sector there is a recognition that they need to ensure that the variation process is improved so that councils that are legitimately applying for a variation are able to do so smoothly and in a cost-effective way.

We heard, for example, that the City of Casey spent \$60 000 on an application for a rate variation only to have it rejected. There was enormous work and a very detailed submission. Whether you agree with it or not — —

**Mr Barber** — Maybe you shouldn't have voted for it.

**Mr DAVIS** — Well, that is possibly a point you may well wish to make, Mr Barber. We took the view that the government's election commitment was to introduce a rate capping policy at CPI. They have notably failed to do that. They have notably failed to achieve rate capping at CPI. However, we did believe that they had gone to the election with a policy. We did

believe they had a right to introduce that policy and seek to implement it. Now, that does not mean that criticisms of the implementation are not justified, and I suspect, Mr Barber, in your heart you might even agree with many of my criticisms of the implementation of this policy. I do not think that the councils that we have heard evidence from have made anything less than a strong case, a cogent case — —

**Mr Barber** — How are you going to fix it when you're minister?

**Mr DAVIS** — We will announce our policies, as you would expect, Mr Barber, nearer to election time, but I have made the point that the government won the election on the basis of a policy to cap rates at CPI. Whether it is a good policy and whether it is a successful policy and whether it is a policy that has actually achieved what it set out to do is another point entirely.

**Mr Barber** interjected.

**Mr DAVIS** — Well, I encountered a ratepayer in Mount Waverley the other day whose rates had gone up this year by 100 per cent on the amount they paid last year.

**Ms Shing** — It's a revaluation year.

**Mr DAVIS** — It is a revaluation year, but I can tell you, Ms Shing, that ratepayer certainly did not feel that a 100 per cent increase in one year was the same as the 1 per cent CPI rise. They felt there was quite a distinct difference between 1 and 100 per cent.

**Ms Shing** interjected.

**Mr DAVIS** — You accept that revaluation occurs and so forth, but what I would say very strongly is that a 1 per cent CPI is not a 2.5 per cent rate rise, so the current arrangements are two and a half times the CPI. That is what the rate cap is set at. We also know there are serious issues about transparency, notwithstanding the Brown inquiry, and that this needs to be done in a more open and transparent way.

**Ms SHING** (Eastern Victoria) — I rise to make a brief contribution in relation to the Standing Committee on the Environment and Planning's third report on the rate capping policy, which I also extend my gratitude to the secretariat for. Their assistance, their tireless support and the way in which they and Hansard have continuously provided support to us throughout the process of this further inquiry have been gratefully received.

At the outset I would like to confirm, despite the fact that this continues as a rolling inquiry and despite the comments made by the chair of the committee, Mr David Davis — that in fact the opposition accepts the mandate of this government to introduce a rate capping policy — that it has been a difficult process to say the least, notwithstanding that at every turn misinformation has been rife and in fact information has been used for improper purposes.

In this regard I note that the assistance and the patience provided by the Essential Services Commission in extending further information to us have been of great benefit, notwithstanding the fact that the chair is himself on the record as having referred to members of the Essential Services Commission as ‘goons’ and ‘patsies’ and describing their work as ‘BS’ and ‘weak and shoddy’. So to the extent that the chair is in a position to be impartial and to discharge the functions and responsibilities that go with this particular office of chair of the environment and planning committee, it is a great shame that things are being lost along the way and that perhaps this inquiry is not able to deliver in a resource sense, or in a sense of findings and information, the things of true value that might best equip the parliamentary function of this committee in understanding more about the impact of rate capping and the processes associated with the introduction of this new regulatory framework.

**Ms DUNN** (Eastern Metropolitan) — I rise to speak on the Standing Committee on the Environment and Planning’s third report into rate capping policy. Firstly, it is extraordinary to be standing here as a member of that committee today and only seeing the chair’s foreword. It is pretty disrespectful for committee members to only see that at this time. I have to say I am pretty disappointed at the complete politicisation around this, and I do remind the house that the Greens were the only people who opposed rate capping.

We have heard an extraordinary amount of evidence in this tranche of hearings around this particular inquiry. I draw the house’s attention to the evidence from New South Wales, which have been under a rate capping — they call it ‘rate pegging’ — scenario for many, many years. When you look at the infrastructure deficit in that state it does not augur well for Victoria. I would recommend that members actually read the transcript of evidence in relation to that, because it is a good live example.

I would like to say that the chair’s foreword is in fact the chair’s foreword, and it does not reflect the views of the committee. That is obvious, but I want to make it abundantly clear that that is the case. The other thing I want to point out is that what is becoming clear is the

fact that regional and rural councils are going to feel the pain around rate capping in their communities much sooner than it is going to happen in the metropolitan area.

I do again want to thank the team who support the inquiry. They do an enormous amount of work. This is an enormously busy committee with many inquiries on the go, and I thank them for their efforts to get this work to the Parliament. So thank you.

**Mr MELHEM** (Western Metropolitan) — I also rise to speak on the third report into rate capping policy. I echo the comments of Ms Dunn and Ms Shing in relation to this report, particularly the chair’s foreword. Whilst I recognise it is his prerogative to actually write a statement in relation to any report, you would think he would as much as possible try to reflect the view of the committee or the evidence heard in the committee in his foreword. But that is not the case, and I am not surprised. For example, on one hand the chair criticises rate capping but on the other hand he basically says the 2.5 per cent has been too high. This is typical of our chair, who basically is all over the shop.

In relation to the actual recommendations of the committee, the report contains two recommendations, which the committee discussed at length. There was consensus around them. The first finding of the committee was that:

... the Brown review was of value to the sector and the community but was not a public process.

We know that the government intends to review the Fair Go Rates system, and the committee is now saying that the review should be independent, public and transparent. I believe that is what the government will do anyhow. The second recommendation is that:

The committee recommends that the government simplify and streamline the variation process to reduce costs to local government and the community.

I am sure the government will do exactly that. But it is important to note that we went to the election and we actually promised Victorians that we were going to have rate capping. This policy has tremendous support from ratepayers. Most councils are happy with the current policy. Councils that actually applied for a variation got it, apart from one council. I think it is the right policy.

I just want to finish by commending the committee on its work and also commending the staff, who have done a great job in providing assistance to the committee in producing the report.

**Motion agreed to.**

**Rate capping policy**

**Ms PULFORD (Minister for Agriculture), pursuant to standing order 23.30, presented government response to second report.**

**Laid on table.**

**STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES****End-of-life choices**

**Mr JENNINGS (Special Minister of State), pursuant to standing order 23.30, presented government response.**

**Laid on table.**

**PAPERS****Laid on table by Clerk:**

Infrastructure Victoria Act 2015 — Victoria's 30-Year Infrastructure Strategy, December 2016, pursuant to section 35 of the Act.

National Health Funding Pool Administrator — Report, 2015–16.

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

Ballarat Planning Scheme — Amendment C183.

Bayside Planning Scheme — Amendment C129.

Campaspe Planning Scheme — Amendment C103.

Colac Otway, Hepburn, Indigo, Macedon Ranges, Manningham, Moorabool, Mount Alexander, Murrindindi, Nillumbik, Surf Coast and Yarra Ranges Planning Schemes — Amendment GC57.

Glen Eira Planning Scheme — Amendment C145.

Macedon Ranges Planning Scheme — Amendment C105.

Mitchell Planning Scheme — Amendment C107.

Surf Coast Planning Scheme — Amendment C115.

Yarra Planning Scheme — Amendment C224.

Subordinate Legislation Act 1994 — A Legislative Instrument and related documents under section 16B in respect of the Education and Training Reform Act 2006 — Power of school council to grant a licence in relation to school lands or buildings, dated 6 December 2016.

**NOTICES OF MOTION**

**Notices of motion given.**

**Ms MIKAKOS having given notice of motion:**

**Ms CROZIER (Southern Metropolitan) —** I desire to move, by leave:

That the debate be brought on forthwith.

**Leave refused.**

**Mr Davis —** On a point of order, President, this is a serious set of allegations that are being made here and the member wishes to have this matter discharged immediately. I think the member is absolutely within her rights to seek to have this debated forthwith, and I think it is a very poor reflection on the government that they will not debate that matter forthwith.

**The PRESIDENT —** Order! Thank you, Mr Davis, but as you and I both know, that is not a point of order. In a second instance might I just reflect on the fact that, yes, Ms Crozier might well want this discharged very quickly, but I daresay so does Mr Dalidakis wish to have discharged fairly quickly a motion against him, which I actually believe is a matter that contains allegations of some gravity and ought to have been discharged very quickly. So I guess we are in the same boat.

**BUSINESS OF THE HOUSE****Adjournment**

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

That the Council, at its rising, adjourn until Tuesday, 7 February 2017, at 12.00 p.m.

**Motion agreed to.**

**LAW REFORM, ROAD AND COMMUNITY SAFETY COMMITTEE****Reporting date**

**Ms PATTEN (Northern Metropolitan) —** By leave, I move:

That the resolution of the Council of 11 November 2015 requiring the Law Reform, Road and Community Safety Committee to inquire into and report by 3 March 2017 on illicit and synthetic drugs and prescription medication be amended so as to now require the committee to present its report by 9 March 2018.

**Motion agreed to.**

## STANDING COMMITTEE ON THE ENVIRONMENT AND PLANNING

### Reporting dates

**Mr DAVIS** (Southern Metropolitan) — By leave, I move:

That the resolution of the Council of 31 August 2016 requiring the environment and planning committee to inquire into and report by 14 February 2017 on the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016 be amended so as to now require the committee to present its report by 25 May 2017.

### Motion agreed to.

**Ms SHING** (Eastern Victoria) — By leave, I move:

That the resolution of the Council of 9 November 2016 requiring the environment and planning committee to inquire into and report by 7 March 2017 on the Owners Corporation Amendment (Short-stay Accommodation) Bill 2016 be amended so as to now require the committee to present its report by 11 May 2017.

### Motion agreed to.

**The PRESIDENT** — Order! I also thank those committees for varying those dates, which probably reflects the interests of members too in terms of the workloads involved on those committees but also supports the staff in terms of their workload and the resourcing that we have available. I thank each of the committees for that work.

**Mr Davis** — On a point of order, President, just briefly, there is an issue with resources, and we do need to deal with that. Not just this committee but other committees have the same challenge, and we do need to deal with that. It is a matter that the priorities of the Parliament, I think, are: this chamber first, the committees second and everything else a distant layer behind that.

**Mr Melhem** — On the point of order, President, while I concur with Mr Davis in relation to the substance of what he is saying, it is also important to note that the opposition need to stop using committees to run their own portfolios. I think it is important to take that into account. I think we will need to be responsible. Committees are not to be a de facto shadow ministry to support shadow ministers. I think it is cut both ways. While I agree resources might need to be added, we need to be mindful of that.

**The PRESIDENT** — Order! Mr Melhem's point was a contribution to debate. It was not a point of order. Mr Davis's comment was a point of order. Certainly the

matter of resources is under further consideration, and in fact I am convening some meetings today to talk to leaders of the parties about resources going forward. So that is something that I am obviously mindful of.

## MINISTERS STATEMENTS

### Young offenders

**Ms MIKAKOS** (Minister for Families and Children) — I rise to inform the house of a sweeping raft of measures to be introduced by our government to more intensively monitor young offenders. The Andrew Labor government will introduce a new youth control order and intensive bail supervision to crack down on young offenders and make the community safer. A youth control order will establish a stricter community-based sentencing option for the Children's Court. But let us be very clear: some young people do need to be in custody, and this new measure will not prevent the court from doing that where that is appropriate.

Importantly young offenders sentenced to a youth control order will have to comply with an education, training or employment plan. They may also be required to attend specialist programs such as violent behaviour programs and drug and alcohol counselling, because we know that to make the community safer we need to make sure that young offenders do not get stuck in a pattern of repeat offending. The court will be able to impose regular reporting to specialist youth justice workers, the observing of a curfew and the avoiding of certain places or people, and non-compliance will result in the court being able to place the young person into custody.

The police have also been calling for intensive bail supervision, and that is what we are putting in place. Our new intensive monitoring and control bail supervision scheme is similar to successful models being used in the United Kingdom. Young offenders will have to comply with an education, training or jobs plan as well as programs that address their offending behaviour and other issues, such as drug and alcohol abuse. These measures will also be accompanied by an increase in the level of mental health and risk assessment at the frontend, including a mandatory forensic risk assessment, so we can more appropriately respond to reduce youth crime.

While those opposite slashed 20 youth justice workers out of the system, we are funding 58 new full-time specialist youth justice workers and eight psychologists. Legislation to establish these new measures will be introduced into the Parliament next year. This is in

addition to the additional 41 custodial youth justice staff we are also in the process of recruiting at the moment and the rolling recruitment occurring in our custodial facilities.

## MEMBERS STATEMENTS

### Government performance

**Ms WOOLDRIDGE** (Eastern Metropolitan) — We often say that a day is a long time in politics. Well, for the Andrews Labor government 2016 has been a long year going from disaster to disaster. The ‘Mission accomplished’ banner has been lowered on the Country Fire Authority (CFA), and as we approach the fire season CFA volunteers are still being shoved aside by an arrogant Premier, an arrogant minister and the Labor government bowing down to the United Firefighters Union. The government continue to use taxpayers funds to defend the indefensible — that they rorted to win government in 2014.

We have seen rorting of a different kind, with Mr Herbert being put in the dog house. Many answers about the extent of his rorting have still not been answered. Our regions are suffering under the mismanagement of Minister Pulford, with direct government policies causing job losses in some of our most important regional and rural communities. With carjackings, home invasions and assaults crime is out of control, and the government is absolutely running scared.

Victorians have seen the sky rail mess unfold across the south-east, businesses closing, public holidays chaos and a 30 per cent increase in electricity because of the Andrews government ideology on Hazelwood, StartCon deals, LaunchVic sackings and jobs for Conroy mates. And where has the minister been? He has been overseas. The Minister for Frequent Flyers has left behind disaster after disaster. It is little wonder that the Premier saw the need to have Marsha Thomson in the Legislative Assembly unofficially take over his duties. And as for the Minister for Riots, Repairs and Reviews, Ms Mikakos, her nightmare before Christmas is only starting to warm up. Mr Jennings returns today with his party in a rabble.

### Eastern Victoria Region

**Ms SHING** (Eastern Victoria) — I rise today to congratulate and thank everyone from Gippsland who has been part of a big year in relation to the way in which emergency services are delivered and the way in which our communities have come together in some very challenging times, not just in the Latrobe Valley

but around Gippsland more broadly. We have seen a significant time of change and growth, whether it is in investing in new schools and seeing the way in which schools such as Morwell Central Primary School and the Sale Specialist School have come to life, brick by brick and with community consultation.

We have also seen new money and funding allocated to improve our roads and to make sure that we are providing new police stations and new ambulance stations. From Cowes to Mallacoota, from Morwell to Traralgon to Warragul and down as far as the Black Spur we are improving roads and making sure that our Country Fire Authority and coastguard facilities are improved as far away as Port Welshpool.

Gippsland has never, ever been forgotten by this government. We have invested significantly. We have made record levels of investment in time, energy and engagement, and we have shown this area the respect that it has required and that it has been crying out for for such a long time. It has been a privilege to deliver that. It is really pleasing to see as we head into the Christmas season that people can take some time to appreciate the value and the strength of our communities that we are proud to call home.

### Holiday season

**Mr BARBER** (Northern Metropolitan) — President, on behalf of my Greens party colleagues I would like to wish all members and your good self an enjoyable summer break. We all need the opportunity to relax and recharge. We are human beings just like anybody else, despite what some people might think of us or some of us might think about each other. We are not robots. We need to be able to remind ourselves during a time of rest, enjoyment and contemplation what it is that we value so much about life here in Australia, which is a peaceful and prosperous nation and group of people.

While we are doing that we also need to contemplate a couple of issues that we will not be able to avoid while we are enjoying our summer break. One is the rising road toll. It is going up when it should be going down, and when we return next year we are going to need to seriously start debating a plan about what we are going to do to get that down. The other issue that will not go away just because we are going to is the issue of heatwaves. They are our most deadly form of natural disaster here in Victoria, and they will be increasingly so. That is something from which I think some parts of our state will be suffering while we are away, while we are all enjoying ourselves, and I can only hope that we weather that as best as we possibly can and that when

we come back here we will be able to debate what further steps we can take to ensure that we protect people in those climate events.

### **Melbourne City Football Club**

**Mr ONDARCHIE** (Northern Metropolitan) — Congratulations to Melbourne City Football Club, which has won its first ever men's silverware after an intense 1-0 win over Sydney Football Club in the Westfield FFA Cup final. Congratulations to Tim Cahill, who took that decisive header, which was perfectly executed. He put it in the back of the net. A very strong investment by the City Football Group is City's reward for our club's first bit of men's silverware. Of course the men's club falls behind the women's team, who have conquered all before them. They are so ably led by Steph Catley.

I congratulate the entire squad who played in the FFA Cup final: Thomas Sorensen, Manny Muscat, Connor Chapman, Ivan Franjic, Osama Malik, Neil Kilkenny, Nicolas Colazo, Anthony Caceres, Bruce Kamau, Nick Fitzgerald, Tim Cahill, Dean Bouzanis, Michael Jakobsen, Bruno Fornaroli, Luke Brattan and Fernando Brandan. I also congratulate Corey Gameiro, Steve Kuzmanovski, Josh Rose and Paulo Retre, who are all part of that very important squad.

I pay tribute to our owners, the City Football Group, and their chairman, Khaldoon Al Mubarak, the deputy chairman, Simon Pearce, and the board for their faith in us; to the chief executive, Scott Munn, and his staff, including the wonderful Rebecca May, for the great work they do behind the scenes; and of course to our coaching team, headed by John van't Schip. It was a great win for this wonderful community-focused club. It is a family club. As our many supporters sing loudly at our games, 'There's only one Melbourne City'.

### **Bushfire preparedness**

**Mr ELASMAR** (Northern Metropolitan) — As the Christmas season begins so does the Victorian fire season, and so I repeat my message of last year. I ask all Victorians who live in bushfire zones to make their homes as safe as possible and watch out for Country Fire Authority warnings and instructions. The experts tell us we are facing a very hot summer, so my message to all Victorians during the fire season is that they be alert and be safe.

### **Felicitations**

**Mr ELASMAR** — On another matter, as this is our last parliamentary sitting for the year, I would like to take this opportunity to thank all the staff in Parliament House for their friendly and professional assistance during the year. I would also like to include in that my electorate office staff, who provide a great service, especially when I am busy at Parliament and at meetings. President, I wish you and everyone in this house a safe and happy Christmas season with your families and friends, and I look forward to seeing everyone in 2017.

### **Gender equality**

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — Women make up some 20 per cent on average of Australia's tech workforce and yet represent 50 per cent of our population. It is not good enough to see that of those speaking on industry panels in 2016, almost 2017, just 15 per cent are women. That is why last night, at an event co-hosted by the Women's Leadership Institute Australia (WLIA), which also launched the inaugural WLIA Media and Panel Pledge Awards, I took the panel pledge to only participate in panels and consider government funding for conferences and events that have a clear 50-50 gender representation among the speakers.

I want to give a huge vote of thanks for the tireless work of Carol Schwartz, AM, the founding chair of the Women's Leadership Institute Australia; Amy Mullins, the executive director; and of course the leadership shown by Dan Ziffer at 774 ABC and Ashleigh Gillon, a senior Sky News journalist and presenter. It has never been about the men in the room; it has always been about the women that are not in the room. This is a fantastic initiative by Carol and her team, and I acknowledge their work.

### **Boao Forum for Asia**

**Mr DALIDAKIS** — Also last night I had the pleasure of opening, along with Her Excellency the Honourable Linda Dessau, the Boao Forum for Asia. Hosting the Boao Forum is a coup for Victoria. It was established by key leaders across the Asia-Pacific in 1998, including former Prime Minister Bob Hawke.

### **Leader of the Government**

**Mr DALIDAKIS** — Can I also say welcome back to Gavin Jennings, the Leader of the Government in this place, on his return to the chamber after an unjust six-month expulsion.

## Felicitations

**Mr DALIDAKIS** — Lastly, President, to you, to the clerks, to the Parliament staff, to the attendants and to all those who help the Parliament stay open: I wish you all a very merry Christmas and a safe and prosperous 2017.

### Harold Bould Memorial Award

**Mr O'DONOHUE** (Eastern Victoria) — I would like to acknowledge this year's winners of the Harold Bould Memorial Award: Mehdi Ahmadi from Pakenham Secondary College and Jared Copey of Emerald Secondary College. As I have told the house before, the Harold Bould award is to honour Harold Bould, who died at Kokoda in Papua New Guinea during the Second World War, and also to develop young leaders in the Shire of Cardinia. The award has been running for many years, and I would like to thank all the sponsors who contribute to the award's success.

I would like to particularly acknowledge Mr Ahmadi, whose family came to Australia after emigrating from Afghanistan two years ago with not even a basic grasp of English. For him to win this award, which requires the writing of an essay about what Kokoda means to you, is a great success. It is a great tribute to the way he has embraced Australia and his capacity to learn and grow in Australia. Congratulations to both of the award winners and to the 39th Australian Infantry Battalion Association, particularly Alan Jameson, who is a tireless advocate for veterans of the 39th.

### Liberal Party Berwick and District branch

**Mr O'DONOHUE** — On a separate matter, I would like to acknowledge the 70th anniversary of the women's section of the Berwick and District branch of the Liberal Party and the 71st anniversary of that branch. They give fantastic service to the community and fantastic service to the Liberal Party. I look forward to their ongoing contribution to the public policy debate and to the Liberal Party.

### LGBTI equality

**Ms PATTEN** (Northern Metropolitan) — This week I have been saddened, as many of my constituents are, going by the emails I have received, to listen to the bigotry, disdain and discrimination we witnessed in this chamber against the LGBTI community. I would like to pledge my ongoing support and empathy for that community, their families and their friends. I will continue to fight against the stigma that was all too apparent in the debates this week.

## End-of-life choices

**Ms PATTEN** — On a happier note, I would like to talk about death. This week Victoria will make a historic move to legalise physician-assisted dying. I certainly made that one of my challenges to achieve in my term, and I mentioned this in my maiden speech, when I also paid homage to the late Peter Short, who was a campaigner on physician-assisted dying. My thoughts also go to my father-in-law, Jim Swan, who died a couple of months ago. He was a World War II veteran who offered up his life for this country, but sadly we were not able to give him the death that he wanted at the end of his life.

I would like to thank the hundreds of individuals and organisations who contributed to the end-of-life choices report. It is their work that has brought us to this historic stage today, where the toolbox that we will have for our end-of-life choices will be expanded in the light of the majority of Victorians' desire for greater end-of-life choices.

### Refugee and asylum seeker services

**Mr EIDEH** (Western Metropolitan) — I rise to speak on the announcement of a much-needed funding boost to support the needs of refugees and asylum seekers in Victoria in response to their growing settlement in Victoria. My electorate is home to many refugee families, and although the majority of them settle in to their new life in Australia extremely well, it is saddening to see the effect that war has had on their health and wellbeing. These people have shown bravery and strength in the face of the horrific atrocities they have seen back home in war-torn Syria and Iraq. They look to Victoria as a safe place where they can rebuild and restore hope to their lives. The unimaginable trauma of fleeing their home and the challenges of adapting to life in a new country have no doubt taken a toll on them. If the suicide and self-harm rates among asylum seekers are anything to go by, then this funding is vital to ensuring that they adapt in a safe and healthy environment.

With this being said, I am especially pleased that this \$11 million funding boost will be also invested in mental health programs to give refugees more support in dealing with potential depression, insecurity, trauma and mental illness, which many of them face. This is a much-needed boost which will provide extra language services, mental health programs, community health nurses in Sunshine and Dallas and immunisation programs for children, adolescents and adults. I am proud to be part of a government that supports the wellbeing and health of people who need it most.

### Felicitations

**Mr EIDEH** — President, I would like to wish you and all my colleagues a very merry Christmas and a happy new year.

### Greater Geelong City Council

**Mr RAMSAY** (Western Victoria) — A citizens jury report was tabled in Parliament this morning with recommendations about the future council model for the City of Greater Geelong. The government will respond early in 2017, but media reports have the Minister for Local Government, Natalie Hutchins, indicating she will adopt the recommendations of this citizens jury of 100 people, which has decided that a council-elected mayor would better serve the Greater Geelong community than would one chosen by the current direct-election model. This was found through an underwhelming approval rating difference of just 5 per cent, which I think is a sham of a process on which to decide Geelong's future.

There is little doubt that the Melbourne model is the preference of the community. The citizens jury initially voted 57 to 43 in favour of keeping the public mayoral vote, which reflected an online survey of 956 residents run in conjunction with the process, finding that 59 per cent wanted to keep the mayoral vote how it is. However, the jury required an 80 per cent 'super majority' to produce a verdict, and the end result flipped around. The minister says this online survey of 900-plus responses is not indicative of the community, but I think the same could be said of her jury of just 100 people picked by state government consultants with an agenda for a council-elected mayor.

City of Melbourne Lord Mayor Robert Doyle, the Committee for Geelong, former Premier Denis Napthine and former mayors Darryn Lyons and Keith Fagg have all indicated Geelong would be better off under the Melbourne model. My personal view is that a democratic process of choosing a community-elected mayor would better serve the needs of Greater Geelong. This is a view widely held by the ratepayers of Geelong. My hope is that the state government will give due consideration to other comments and views from people outside its hand-picked citizens jury.

### Government performance

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — As we end the 2016 sitting year and pass the halfway mark of the Andrews government it is time to reflect on the impact of the Labor government on the people of the south-east. After two years of

Labor local families are more concerned about their job security than ever before. In Cranbourne unemployment has gone up by more than 30 per cent over the last two years. Across Victoria crime has gone up by 14 per cent in just one year. Families in the south-east are scared to walk down the street for fear of being assaulted. They are scared on the roads for fear of being hijacked, and they are even scared in their own homes for fear of their homes being invaded. When they do leave their homes, they are stuck in traffic, which Labor is failing to address.

The solution offered by Labor's hand-picked inner-city infrastructure advisers is that local families should pay tolls on existing roads that have already been in place for decades or they should start commuting by bicycle. The Andrews government is out of touch with the needs and the values of the people of the south-east, and it is failing to deliver.

### Felicitations

**Mr RICH-PHILLIPS** — I would like to take this opportunity to pass on my best wishes for Christmas and the new year to all members, all staff of the Parliament, the staff of parliamentary services and of course my own staff in the electorate office.

### Clark-Graham streets, Port Melbourne

**Ms FITZHERBERT** (Southern Metropolitan) — Locals in Port Melbourne have been calling for traffic lights on the corner of Clark and Graham streets for some years. This intersection is very close to Port Melbourne Primary School and is regularly used by hundreds of children. In fact next year the school will have a record 812 students. On 22 November a nine-year-old boy was hit by a car as he crossed the road after school. Fortunately, while he was badly bruised, no bones were broken. The principal of the school, Peter Martin, says this is a wake-up call to all concerned that we need to address this as soon as possible to prevent another accident.

There is a pedestrian crossing on Graham Street between Clark and Walter streets, but this is clearly no longer working. I strongly support the school's call for lights to manage the intersection so that traffic on Graham Street will stop to allow cars to turn out of Park Street and children to cross. While VicRoads appears to support the existing pedestrian crossing, saying it is safe and appropriate, I appeal to the Minister for Roads and Road Safety to intervene and to create a safer intersection with lights, particularly for the children who use that school.

**JUSTICE LEGISLATION AMENDMENT  
(PAROLE REFORM AND OTHER  
MATTERS) BILL 2016**

*Second reading*

**Debate resumed from 7 December; motion of  
Ms TIERNEY (Minister for Training and Skills).**

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to speak on behalf of the opposition in relation to the government's legislation that has been rushed into the Parliament this week and rushed into the Legislative Council this week. I will have a little bit more to say about the timing of this legislation shortly. The main purpose of the bill is to amend the Corrections Act 1986 to provide for a presumption against parole for prisoners serving terms of imprisonment for certain fatal offences where the bodily remains of the victim have not been located and to amend the Sentencing Act 1991 to permit a court to take such factors into account at sentencing.

The bill also seeks to amend the Corrections Act 1986 to tighten the conditions to be met before a prisoner serving a term of imprisonment with a non-parole period for the murder of a police officer can be considered for parole. The opposition will be supporting this legislation, but we are extremely disappointed that it has taken this long for the government to bring forward this bill. This bill encapsulates basically two policies that the coalition had announced some time ago: the no body, no parole concept, where a convicted murderer in prison who refuses to cooperate with authorities to disclose the location or last known location of the victim would be ineligible for parole until they do.

The private members bill that I introduced to the Parliament some time ago was voted down by the Labor Party and the Greens in this chamber back in August, but that principle is in this legislation, so of course we support the legislation. The legislation that the government has brought forward varies in some ways from the bill that I presented, but not in a way that justifies the way the government voted it down or indeed the commentary from the former Minister for Corrections, Mr Herbert, that the bill was flawed and had major problems et cetera. What we actually see today before the house is that concept with some relatively minor changes from the government.

The private members bill that I introduced required the Adult Parole Board of Victoria (APB) to receive a report from the Chief Commissioner of Police taking into account a number of factors about the behaviour of

the prisoner and the cooperation of the prisoner, the convicted murderer, and their cooperation with the authorities. This bill requires a similar report from the Chief Commissioner of Police but also a report from the Secretary of the Department of Justice and Regulation, and the bill adds accessory to murder and manslaughter as convictions that are relevant to this legislation. Those are all things that could have been done by amendment and were all matters that I was more than happy to discuss with the government in the interests of community safety and working across the chamber. Our bill was introduced earlier this year. It was not voted on until August, and there was ample opportunity in the months intervening between when my bill was put on the table and when it was debated for these matters to be addressed.

The first point I am making in relation to the no body, no parole component of the bill is that it is pleasing that the bill is before the house today but this should have been passed months ago. It simply should have been passed months ago, and the new Minister for Corrections, the former Minister for Corrections and everybody on that side of the chamber voted that bill down just a matter of a few months ago, back in August. They really should hang their heads in shame at the way they have delayed the passage of this bill legislating for this concept until today.

It says much about the shambolic nature of the government's agenda that the government in its haste has brought in this bill this week to be passed this week. I would ask the minister to respond to the question in due course when she summarises: why was this bill not brought in last sitting week or two sitting weeks ago? If the government wants to vote down the opposition's bill for whatever reason, that is fine, but why was this bill not brought in back in September, October or November — or is this just part of the government's attempt to respond to community safety concerns and therefore it has been drafted at short notice and that is why we are having to rush this bill through this week? I would ask the minister to respond to the question on the timing of this bill when she provides her summary, because it is only passing the house this week with the cooperation of the house and the Parliament, bypassing the normal layover times and the normal layover processes, to enable its passage.

The bill also requires that victims be provided with 14 days notice prior to the release of any prisoner, which is consistent with the current APB processes.

The second main component of the bill is legislation to keep police murderers in jail. Yesterday, as you would be aware, Acting President, I second read my bill which

delivered on the coalition's commitment to keep Craig Minogue in jail, and again we have been calling for some considerable period for action from the government in this space. In the absence of action from the government I presented a bill to the house yesterday for its consideration that would keep Craig Minogue in jail. This bill responds to the issue of Russell Street bomber Craig Minogue. I read into *Hansard* in my second-reading speech about Craig Minogue some of the commentary in the sentencing of the court. There is no doubt that his crime in the modern context would be seen as an act of domestic terrorism.

Obviously the impact on the family of Constable Angela Rose Taylor will last for the rest of their lives. I acknowledge Mr and Mrs Taylor, Arthur and Marilyn, who were in the gallery yesterday for the debate on this bill in the other place, and her brother, Michael. They showed remarkable courage earlier this year on the 30th anniversary of the Russell Street bombing when they attended the ceremony and the remembrance service to acknowledge the 30th anniversary of that horrific crime that shook Melbourne and Victoria to the core and left a lasting impression on Victorians. I just want to acknowledge Mr and Mrs Taylor and Angela's brother, Michael, for their courage. When we think about sentencing and about the cost to the community of incarceration, we should also talk and think about the cost to the community and to victims of crime. The members of the Taylor family have a life sentence as a result of that heinous crime, and they will have to live for the rest of their lives with the tragic loss that they have suffered.

Again, this bill is being rushed through the house today because it is in the public domain that Craig Minogue has applied for parole. He has passed his non-parole period, and it is anticipated that his parole application will be heard in the near future. With Parliament adjourning now until February, the government wants to pass the bill this week, which we will support and help to facilitate. But I ask again: why has it been left until today? Why are we having this debate at 11 o'clock on the last sitting day of the year? Why was this bill not brought in two weeks ago, three weeks ago, a month ago, two months ago or six months ago? It beggars belief, and it is again a reflection of the absolutely shambolic nature of the way this government operates that it has been left to the very last minute on the last sitting day of the year for this issue to be addressed.

Unlike my private members bill, this bill does not apply only to Craig Minogue. It captures a class of offenders — that is, police murderers. I understand from the briefing by the department — and I thank the

officers for their briefing on Tuesday — that this will capture two other murderers currently incarcerated in prison. While we will support that, the opening of the application of the legislation from an individual to a class of offenders raises the question of what that class of offenders should be. The bill is specific to the murderers of sworn members of Victoria Police only. It does not apply to murderers of protective services officers (PSOs) or the new custody officers, and it does not apply to murderers of fireys, ambulance officers or other emergency service workers.

It is legitimate to ask the question of how the government came to choose this class — that is, sworn police officers. As I said, we will support that, but in the government's rationale, why was that not extended to PSOs when most people in the community upon seeing a PSO uniform may believe the person is a police officer anyway? I think there is a need for some explanation in that regard.

I note that the Shooters, Fishers and Farmers Party is planning to move an amendment on that very specific issue of which class of offenders this bill should apply to. Subject to any arguments the government may put forward, the coalition is minded to support the Shooters and Fishers amendment, but we will listen with much interest to the contributions from the government and the rationale from the Shooters and Fishers party, if and when indeed it moves its amendment.

In relation to this second element of the bill, altering the parole conditions that police killers need to meet to be eligible for parole, I note the test in the bill is the same as the test I laid on the table yesterday in my private members bill and it is the same as the test that I laid on the table in the Julian Knight legislation during the term of the previous government. That test basically means that the Adult Parole Board of Victoria must be satisfied that the offender poses no risk to the community and that the prisoner, as a result of being incapacitated, is no threat to the community. So there is a prospect of parole, but the conditions to be met are tightened enormously and significantly so that there is no risk to the community.

We have seen the government pick up many of the things that the Liberal-Nationals coalition has been campaigning for. It has adopted many of those things this week. We have two of those items before the house today. We are pleased the government has made that decision, and for that reason we will support the bill. As I say, we are minded to support the amendments proposed by the Shooters and Fishers, but we will listen with interest to the debate before reaching a final conclusion.

I just want to talk a little further about the role of victims. During my time in this place it has been an absolute privilege to work with, meet and get to know, sometimes very well, victims of crime. We all have issues in our lives and we all have things to manage, but I have the utmost admiration and respect for those victims of crime who deal with what is incomprehensible grief and incomprehensible loss, and yet have the courage to stand up and advocate for change in the justice system. They are an absolute inspiration.

One of those I will mention very briefly — that is, Lyle Allan. Lyle Allan's brother, Keith, was murdered. His brother's remains have never been located. Those convicted of the murder have never disclosed the location of that body. I met Lyle several years ago, and I have had regular contact with him on and off ever since. He has shown remarkable courage in recent months in speaking out in support of this no body, no parole legislation. He is a very dignified, quiet and calm gentleman, but he has decided in recent months to speak out in ways that he has not in the past. I think this legislation in part is thanks to his advocacy in recent times, so I just want to pay tribute to and acknowledge Lyle Allan, who is an absolute gentleman. It has been an absolute privilege to come to know Mr Allan over the last few years.

If this legislation results in just one murderer in jail disclosing information that can lead to the identification of the last known location of the victim and that enables a family to lay to rest their loved one or provides some closure to a family, then this is time well spent by the Parliament and it is well worth the exercise and well worth the endeavour of the legislature. We have a lot more work to do when it comes to victims of crime and acknowledging their loss and putting them at the heart of the justice system. The Law Reform Commission's report on victims of crime, commissioned by the former Attorney-General, Robert Clark, has recently been tabled and contains a number of important recommendations in response to the terms of reference as set by the former Attorney-General, the member for Box Hill. It lays a platform for reform that could help assist victims of crime.

We have a lot more work to do to put victims at the heart of the justice system, and for everyone who says to me that prison is too expensive or prison investment is wrong or investment in community corrections is wrong because of the cost, I say to them: look at the cost to the community and look at the impact on victims of crime. The cost to the community of managing and operating the prison system is minuscule compared to the cost to society and the cost to

individuals of the grief, loss and trauma that victims of crime endure. I think we need to see investment in the justice system fairly and squarely in that context, and I think to date we have not. I think that is the change that needs to take place.

This bill will be supported by the opposition. It implements two policies that we have been advocating for for some time. It is extremely disappointing the government and the Greens voted against the no body, no parole legislation in August, but we welcome the change of heart by the government. We will listen with interest to the debate on the amendment proposed by the Shooters and Fishers with a view to supporting what they are suggesting. This bill should have been here a long time ago, but now that it is here we wish it a speedy passage.

**Mr MELHEM** (Western Metropolitan) — I rise to speak on the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016. As the previous speaker stated, the bill addresses two points. One relates to changes to the Victorian parole system in relation to the murder of a police officer. The second one relates to no body, no parole.

Mr O'Donohue talked about the delay in getting the bill before the house. I think it is important to note that, while Mr O'Donohue should be congratulated for bringing the issue to the house last time and should take credit for part of that, today he and the opposition are supporting the bill, and I am pleased about that. The main reasons for the delay, and I am sure the minister will address this later on, are to do with a couple of things. One is to make sure the bill does pass any potential appeal and to make sure all the legal boxes have been ticked. That is why this bill takes into account a 2012 High Court case, *Crump v. New South Wales*, which upheld almost identical restrictions on parole as this bill for a category of murderers. The Chief Justice said that the privilege of parole may be 'broadened or constrained or even abolished by the legislature of the state. Statutes providing for executive release may be changed from time to time'. That is what this bill does — and for the most serious crimes. Secondly, the government obviously wanted to make sure there is a comprehensive bill to address various issues, in this case no body, no parole, to cover the issue of murderers of police officers. We needed time to make sure we consolidated these matters into one before we brought this bill to the house.

I will be brief, but I just wanted to make a number of points in relation to why we are making a special case in relation to, for example, the murder of a police officer. The case in point is Craig Minogue. The act he

committed against Victorians and the police, to me, is no different to an act of terrorism, which unfortunately the world has been facing now for a number of years. To me, it should be treated as such.

Secondly, I think it is important for us as parliamentarians and as a government to send a strong message. Our police members, men and women, put their lives in danger to protect us and keep us safe. Unfortunately it is inherent in their job that they put themselves in harm's way to shield us from people who commit crimes, whether it is terrorism or petty crime. They are there to defend us, to defend our freedom and to keep us safe, therefore the least we can do is send the message that if you commit a crime, particularly killing a police officer, and you are convicted and you get sentenced to life, it is more than likely that you will spend the rest of your life in jail and there will be no likelihood of parole. I think that is an important message to pass on to these people, and it shows solidarity with and support for our police force, who do a tremendous job.

That is the reason for this bill. I think there have been some discussions about other emergency services and whether or not they should be treated in the same way, and the government might be looking at reviewing that down the track, but I think the most urgent thing at the moment is the matter at hand. In my understanding it is Mr Minogue and possibly seven others to whom this bill may apply.

In relation to no body, no parole, where a person is convicted of a crime and receives a life sentence but is not willing to divulge the location of their victim's body, they will be treated similarly and parole will be withheld. I think it is important that we think about the victims and their families and loved ones, because they want some closure on what happened to their loved ones, where they are, where their remains are, where they are buried et cetera. Basically this legislation is to give some incentive to people who are convicted of a serious crime and receive a life sentence to divulge where the body of their victim is located — the physical location. If they are able to prove that they have reformed and are able to live a normal life and not commit more crimes and the parole board is satisfied with that and they reveal the location where their victim is buried, then they can meet the criteria and parole might be a real option for them. But if they refuse to do so, they are likely to be in prison for the rest of their life. I think that is the right approach.

There is a question about retrospective legislation in relation to these sorts of matters. Most of us do not accept that we need to pass bills retrospectively, and it

is always a difficult position to find yourself in, but if we think specifically about these two crimes I am relaxed about that. You would not talk about retrospective legislation for other matters, but I think it is important when we are dealing with these matters. We could argue that we do not think retrospectivity really applies, but we are basically giving guidance to the parole board in relation to these serious crimes that that is how these people should be dealt with.

As I said earlier, I am pleased that the opposition is supporting the bill and the amendments foreshadowed by the Shooters, Fishers and Farmers Party, and I will leave it to the minister to respond. With those comments, I commend the bill to the house.

**Mr BOURMAN** (Eastern Victoria) — It is my pleasure to speak on this bill today, which of course I will support wholeheartedly, but as I go through it I will make a couple of comments. Parole, to me, for a murderer is kind of redundant. Whilst I am not a believer in capital punishment, why on earth we would be letting someone that has killed someone out of jail is just beyond me. Parole should be exceptional, not business as usual. Parole should be a case of one strike — you do one thing whilst you are out on parole and you can be the guest of Her Majesty until they carry you out in a box. Really, it should not be available for serious violent offenders at all.

People may or may not rehabilitate, but for the same reasons that I do not support capital punishment in that you cannot undead someone, you also cannot let someone out who has killed someone. The offender gets out but the victim remains dead, and there is just absolutely no justice in that — no justice whatsoever.

Police officers in particular obviously have a special place in my heart, and every day they and other emergency services workers go out and risk their lives for the state of Victoria. Whilst other roles, such as ambulance workers and fireys, do not tend to get murdered as a consequence of their job, it does happen to police. The reason this bill is up is that that is what happened to one of them during the Russell Street bombing. Also quite happily caught up in this, from my perspective, is someone that murdered a colleague of mine and only got, I think, a 35-year minimum. Well, you cannot undead Rodney Miller or Gary Silk, so hopefully they carry him out in a box. It is really that simple.

I really do not understand why society is so lenient on murderers. For other offences maybe parole is suitable. Maybe if the person gets out and leads an exemplary life and does not become a recidivist offender, perhaps

that is a good spot for them. But when you have recidivist offenders committing more violent crimes on parole, they go in for a while and then they get out on parole. I am trying to remember who said that if you continue doing the same thing and expect different results you are insane. Well, clearly there is something up with this system, because we keep on letting these people out.

**Ms Pennicuik** — Albert Einstein.

**Mr BOURMAN** — Thank you, Albert Einstein. We keep on letting these people out, and then they go off and do things. There have been some very high-profile cases. There have been some murders of people who were just wandering along and minding their own business, and that is just not on. This is Australia, and it should stay Australia.

Things change; I understand that. We are seeing a rise in crime, but we are still not like parts of America, where you need to carry a gun for protection. I enjoy being able to walk up and down the street as an MP without a guard, without a gun and without anything like that, but if we keep on letting these crazies out, we are eventually going to have to look at it. I have been calling for non-lethal self-defence for that very reason. Something has got to give. We are getting more police numbers, which is a very good thing. Hopefully that will put a lid on crime and we can go back to being the best country in the world, where we have opportunities to do this, that and the other without the worry of being carjacked or people breaking into our houses, but it remains to be seen.

In relation to the bill, there are a couple of things I disagree with — that a prisoner can get parole if they are in imminent danger of dying or are seriously incapacitated and, as a result, no longer have the physical ability to harm a person. To me that is not justice. To me that is tough luck.

**Mr O'Donohue** — It is called constitutionality.

**Mr BOURMAN** — It is called 'You've taken a life'. Whilst I do not believe that the state has the right to take their life, the state has the right to lock them up for the protection of the state, and if they do not like that, the easy fix is, 'Don't murder anyone'. It is quite simple. It is not rocket science. I have to say that most people in this country manage to get through their lives without killing people.

There are a couple of issues. The scope of the murder of police concerns me a little bit, and there has been talk of an amendment. At the moment it is for Victoria Police officers only. What about the protective services

officers? What about the corrections officers? What about the ambos? What about the fireys? They put their lives on the line. They go out there, and they take those risks. It is quite fortunate I guess that none of them have been murdered as a consequence of their jobs, but it may not stay that way. It is a very concerning thing, and my amendments that I have mentioned, which I will get to shortly, relate to that.

A victims register is a very, very good idea. We should be letting people know about the release of prisoners on parole or a decision not to release a prisoner on parole at least 14 days before a prisoner is let out. I can only imagine what goes through someone's head when someone that has done some sort of serious physical harm to them actually gets let out. It must be just horrifying.

In relation to no body, no parole, obviously as I said before I reckon that if you are a murderer and you have been convicted of murder, there should be no parole, but not everyone agrees with me. The bill relates to the last known location or the place where a victim's body may be found. One of the things I raised during discussions was: what happens if you are out on a boat, you knock off the other person in the boat and you tip them over the side? You are out in the deep ocean. God knows where the body is going to end up. You come back, you fess up and you say, 'There is no body. I have dropped it out there, but no-one will ever find it'. There are some grey areas. I am not totally sure where that will go.

In regard to my amendments, I will get to them and then finalise this. I am actually not going to pursue my amendments. The government cannot give me a guarantee that this bill will get through both houses today, and it is absolutely critical that this bill gets through the houses today. And if my amendments are going to jeopardise that, they are not going to happen — they are absolutely not going to happen — but I do look forward to presenting a private members bill in the new year to deal with this. I commend this bill the house.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! Thank you, Mr Bourman. Just for clarity, you are not seeking any amendments to the bill.

**Mr BOURMAN** — Acting President, no amendments. This bill must go through today. It is as simple as that.

**Ms PENNICUIK** (Southern Metropolitan) — I rise today to speak on the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016. The bill

makes two types of amendments for the presumption against parole. Firstly, it amends the Corrections Act 1986 to provide for a presumption against parole for prisoners who are serving a prison sentence with a non-parole period for an offence of murder of a person who the prisoner knew was, or was reckless as to whether the person was, a police officer.

The bill also amends the Corrections Act 1986 to provide for a presumption against parole for prisoners who are serving a prison sentence with a non-parole period for murder, conspiracy to commit murder, accessory to murder or manslaughter in circumstances where a deceased victim's body or remains were not located at the time of sentencing the prisoner for the offence. It also amends the Sentencing Act 1991 so that when a court is sentencing an offender for murder, conspiracy to murder, accessory to murder or manslaughter in circumstances where a deceased victim's body or remains have not been located at the time of sentencing, the court can take into account whether or not the offender has cooperated in the investigation of the offence to identify the location or the last known location of the body or the remains of the deceased victim and the place where the body or the remains of the victim may be found.

With regard to the last amendment to the Sentencing Act 1991, that is basically codifying what is already in the common law, and I would suggest that any sentencing judge would take this into account when imposing a sentence on an offender for murder. This would already be a very apposite consideration of a court — whether or not the body of a deceased or the remains of a deceased have been found and whether or not the convicted offender is cooperating with police in the locating of that body or remains. That is one section of the bill that the Greens do not necessarily oppose, but we are making the point that we feel the court would already take that into consideration when imposing a sentence for such a serious crime and for such non-cooperation.

The Greens will not be supporting this bill for a number of reasons, which I will outline. They are reasons which should have precluded the government from bringing this bill into the Parliament in the first place. We will make very clear why this bill is very problematic. It is also problematic that this bill has been deemed to be an urgent bill when it is in fact not an urgent bill. An urgent bill should be, by definition, one that needs to immediately rectify a problem in the law. We have had such bills in the past where in fact mistakes have been made in the law and actions have followed from those mistakes that had to be immediately remedied, but this is not such a bill.

Before going to the details of the bill and the reasons why the Greens will not be able to support it, I understand that three people convicted of murdering a police officer are currently in custody in Victoria, and they have all received life sentences with non-parole periods. Of course to the community and in particular to the families and friends of those police officers it is an ongoing and unbearable pain. The Greens of course understand that it is a very serious matter to murder a police officer or, as this bill says, to be reckless as to whether a victim is a police officer. That is a very serious matter.

We also of course understand, in terms of a person who has been convicted of murdering another person and has wilfully not cooperated in the disclosure of the location of the body of the deceased person or the remains of the deceased person, that again that is a very serious matter. I fully understand and the Greens fully understand the heartache and the ongoing pain that that causes the family and friends of those victims. Of course any person who has been a victim of crime, or their family or their friends, does suffer ongoing pain and ongoing impacts on their life, depending on the circumstances of the crime that was committed against them and the circumstances around the effects and impacts on their families. We fully understand those matters.

Mr O'Donohue mentioned some particular cases and some particular persons. I will not go to that; I will not be naming or mentioning particular persons or cases in my contribution today. I will only say that, like many people in the community — and perhaps like other people in this Parliament, because we do not all know each other's circumstances — I know very well some people who in the course of their life have had a family member's life taken or have had serious crimes committed against them, so I fully understand the pain and suffering that that causes.

What we have before us here today is some legislation which I think sets precedents that we should not be setting in the law and in fact that are unnecessary. They are unnecessary for a number of reasons. Included in the title of this bill is the phrase 'parole reform and other matters'. The previous Parliament spent a lot of time considering parole and parole reform. We had the Ogloff review, we had the Callinan review and we had several pieces of legislation that were designed to reform the parole system as a result of serious crimes — murders — committed by people who were on parole, and the community indeed was very concerned, as were the Greens.

Members who were in the Parliament at the time, including Mr O'Donohue, who was the Minister for Corrections at the time and brought in all that legislation, would understand that at that time I spent an awful lot of time going through those reports and understanding what they meant, and the Greens fully supported the changes to the parole system. In fact one of the particular reforms that was put in place after the Callinan review was the two-tiered system with respect to serious offenders coming up for parole, and of course one of the other key reforms was that a prisoner has to apply for parole, whereas previously the parole board would consider a person whose non-parole period had expired without them necessarily having to apply for parole. But now we have a two-tiered system, and in particular for serious offenders there is a double process required for any parole to be granted in those cases. We fully support that. In fact we had advocated for that prior to the Callinan review. We argued that one of the problems with the parole system was that there was not a differentiation between categories of prisoners.

The Callinan review also of course raised the issue of a lot of systemic and administrative problems in terms of the parole board having too much to do and not enough resources and time to deal with it and also of it not necessarily having full information from the Secretary of the Department of Justice and Regulation and from the police and from Corrections Victoria as to the status of particular prisoners. The point I am making here is that the parole system has been significantly toughened up, particularly in regard to the types of prisoners we are referring to today. I feel that in light of those reforms the Parliament and the community should trust the Adult Parole Board of Victoria to deal with prisoners who apply to it for parole, including the categories of prisoners covered by this particular piece of legislation.

Throughout that debate and in the community conversation about it there has been, I believe, a significant amount of undermining of the purpose of parole. The purpose of parole is very important. It applies to any prisoner who has been sentenced by a court to a particular sentence that includes a non-parole period. For example, if someone is sentenced to 20 years for an offence with a 15-year non-parole period, it means they have to serve 15 years. They may not be released on parole for the next five years, so they may serve 20 years, but they will be released after 20 years. The purpose of parole is to have part of the sentence of the prisoner served in the community on parole under the supervision of corrections staff. The adult parole board can of course attach conditions to parole, including very strict supervisory conditions as well as other conditions that a parolee must meet. The

idea of that is that prisoners are not released directly into the community without any supervision and without any support in terms of accommodation, education and rehabilitative programs.

That is not to say that everything is perfect in that regard. I have raised in this place many times the need to both improve the resources that are put in place for rehabilitation within the prison system, starting immediately when prisoners enter the prison system, and also provide more resources to support prisoners who are on parole in finding accommodation and employment so that they do not become recidivist offenders, committing other offences and being a danger to the community and coming back into the prison system. We need to focus more attention on rehabilitation and justice through investment in the community to prevent crime and through assisting those who have been involved in the criminal justice system to not go back into it. That is how we will improve community safety.

Turning to the provisions of this bill, the first amendment to the Corrections Act provides for a presumption against parole for prisoners who are serving a prison sentence with a non-parole period for an offence of murder of a person who the prisoner knew was, or was reckless as to whether the person was, a police officer. As I said, we were advised in the briefing that there are three people currently in custody in Victoria convicted of murdering a police officer, and all have life sentences and non-parole periods.

The problem raised by this particular provision is that it is making a certain category of offender separate from the rest of the prison population and a certain category of victim separate from the rest of the community. It is saying that if a person murders a police officer they would have a presumption against parole, and that would be different from the sentence for a person who murdered any other person. This is a difficult area for any government to go to — to categorise persons based on occupation — notwithstanding that, as I said, the murder of a police officer is a very serious matter. But a murder of anyone is a very serious matter; a murder of a child is a very serious matter.

The problem that is being put forward by this bill is that it is categorising victims and it is categorising offenders and taking away the discretion of the courts and the adult parole board to deal with the particular circumstances of every case. A type of mandatory provision is being inserted into the Corrections Act, and the Greens have always spoken against that. We believe that the judiciary and the adult parole board should be able to deal with the particular circumstances put in

front of them. They have the expertise, the experience and all the information in front of them that we, as members of Parliament, do not have with regard to each of the cases.

It may be that none of the three people in Victoria who have been convicted of murdering police officers, all of whom have life sentences, applies for parole. It may be that even if they do apply for parole the adult parole board, which has as its paramount consideration the safety of the community, would not grant parole to those persons. In that regard we feel that this is an unnecessary provision. It also, as I said, categorises certain types of victims over and above other types of victims, rather than looking at the circumstances of each offence and each crime that the court and the adult parole board could take into account.

Another matter to raise is that the presumption against parole will apply regardless of whether the prisoner was sentenced for the murder before, on or after the commencement of clause 3. Basically it makes this amendment retrospective. Now, Mr Melhem said he was quite relaxed with that. Well, I have to say that I am very unrelaxed with this type of retrospective provision, and in the very short amount of time we had available we consulted the Law Institute of Victoria and Liberty Victoria about this particular bill. They make the point that a system which permits the Parliament to retrospectively increase a criminal sentence or sanction is a dangerous and fundamental attack on the law.

**Mr O'Donohue** — How is it retrospective?

**Ms PENNICUIK** — It says it is retrospective.

**Mr O'Donohue** — How?

**Ms PENNICUIK** — Because it applies whether the prisoner was sentenced for the murder before, on or after the commencement of the section.

**Mr O'Donohue** — The High Court said — —

**Ms PENNICUIK** — Thank you, Mr O'Donohue. You have had your chance.

**Mr O'Donohue** — Well, get your facts right.

**Ms PENNICUIK** — So that is another problem with this provision.

The main provision of the bill, which is in regard to the so-called no body, no parole provision, amends the Corrections Act to provide for a presumption against parole for prisoners who are serving a prison sentence with a non-parole period for murder, conspiracy to

commit murder, accessory to murder and manslaughter in circumstances where a deceased victim's body or remains were not located at the time of sentencing the prisoner for the offence. The Greens are not supportive of this provision either. Notwithstanding that, as I previously mentioned, and as I mentioned in my contribution with regard to Mr O'Donohue's private members bill that he brought into this place earlier this year, we do not believe this particular provision will actually achieve its aims.

It is stated that this would assist victims, because if the offender was threatened with no parole they would be more likely to reveal the location of the body or the person's remains, and I am not sure that that is in fact the case. It may be that such an offender will still not do that, and there may be reasons for that. First of all, the offender, even though they have been convicted, may in fact be innocent of the crime. So that is one reason. They may also not be willing to reveal the location. In fact the provision still may not result in the desired outcome of the discovery of the location. Those types of persons may in fact send police and others on wild goose chases, as I mentioned before, and maintain that a particular person's body or remains may be in a particular place when they are not. This would only, I think, increase grief and suffering for the families of those persons. It may be that the person does not actually remember where they are after the passage of time. There could be any number of reasons, but the main point of it is that I do not think this particular provision will actually achieve the aim that it is aiming to achieve.

In the very short briefing that the government was able to provide to us on this bill we were advised that there are seven prisoners currently in custody in Victoria to whom this provision would apply and that none of them have life sentences, which means that if this provision comes into place and the prisoners are denied parole because they have not disclosed for whatever reason the whereabouts of the body or the remains of the deceased person, they will not be released on parole — but they will be released, because none of them have had life sentences imposed. So at some stage they will be released, and they will be released not on parole but just at the end of their sentence when the sentence imposed by the court expires. That means they will be released with no supervision by the department of corrections and with no supports from the department of corrections with regard to accommodation et cetera. That is not a desired outcome, and it may be that for all seven of those prisoners that is the case.

I note that the government's bill is slightly different from the bill put forward by Mr O'Donohue in that it

includes the offence of manslaughter, which I am advised applies to one person who is in custody at the moment. It applies to conspiracy to murder and to accessory after the fact. It also has some qualifying provisions with regard to the ability of the prisoner to actually provide the information, but I still maintain that in terms of the principle, this is unnecessary. I am sure the adult parole board would already take this into account in determining whether or not a person is a risk to community safety and any other reasons why they would or should not be eligible for parole. But I think it is an important point to make that the actual prisoners who are in custody at the moment that this applies to will in fact all be released at the end of their sentence, whether or not they have been granted parole under the provisions of this bill, or even without the provisions of this bill, and whether or not the parole board has seen fit on the evidence presented to them to release them on parole.

It is concerning that this bill has been brought into the Parliament. It is unnecessary, given the Corrections Act as it stands at the moment, particularly in terms of significant reforms brought in by the previous government and supported by all parties in this place. The only qualifier we had for the changes to the parole system that were brought in by the previous government was that we did really feel that serious violent offenders and those convicted of very serious offences have a different process available to them from that available to the less serious offenders in the parole system, and we feel that the system of breaches of parole should reflect that.

That means that serious breaches of parole by serious offenders should be treated differently from minor breaches of parole by less serious offenders, because we have seen people who are less serious offenders being re-incarcerated for minor breaches of parole. In fact in terms of community safety it would be better if these offenders were on parole and under the supervision of the corrections staff and police and reporting to police. It would advance community safety by reintegrating those people into the community rather than re-incarcerating them.

One point that I would like to make is that we do have the Serious Sex Offenders (Detention and Supervision) Act 2009 for the supervision and detention of serious sex offenders. In the many times that we have had various versions of that act come to the Parliament I have made the point to both governments that we need to perhaps look at how to deal with some of those serious violent offenders, who may not be sex offenders, in a way similar to how serious sex offenders are dealt with. That would be a preferable way to deal

with these offenders than the way this bill is proposing to deal with them.

There are many reasons why this bill is problematic, even though we fully understand the serious matters it deals with and the serious impacts and ramifications they have for people in the community who are caught up with these crimes.

**Ms LOVELL** (Northern Victoria) — I rise to speak on the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016. People have already outlined the provisions of this bill, which is mainly to implement two previously announced policies of the Liberal-Nationals coalition, one of which of course was the no body, no parole bill, which passed this house but was disappointingly not even allowed to proceed to debate in the lower house. I particularly note my disappointment that the member for Shepparton in the Legislative Assembly, Suzanna Sheed, voted with the government to not allow that bill to proceed in the lower house without even seeing the bill, because they never allowed it to get listed on the notice paper.

The second thing this bill does is introduce legislation to keep Craig Minogue in jail until he poses no risk to community safety. Again this was in a bill that the Liberal-Nationals coalition had flagged we were going to introduce, and of course this is the Labor government playing catch-up and copycatting coalition policy as we proceed. The bill also seeks to amend the Corrections Act 1986 to tighten the conditions to be met before prisoners serving a term of imprisonment with a non-parole period for the murder of a police officer can be considered for parole. This is an issue that is particularly close to my heart and to the hearts of many of my constituents, because in Shepparton we have actually had over the years a number of police officers who have unfortunately been killed in the line of duty.

The first of those goes back to October 1878, when Constable Michael Scanlon was killed at Stringybark Creek, murdered in cold blood by the Kelly gang. Constable Michael Scanlon was a police officer at Mooroopna. Before he left Mooroopna he told his mate that he could have his dog should he die while chasing the Kelly gang, and as we all know now, he did.

The three police officers who were killed by the Kelly gang hold a sacred place in Victoria Police history, and this was highlighted by former Chief Commissioner of Police Ken Lay during a service that was held to remember the three officers who were gunned down by the Kelly gang in cold blood.

Another police officer from the Shepparton region who was killed in the line of duty was First Constable Ray Denman. He was killed in 1964. I know his daughter Gail extremely well. We celebrate Ray's life and thank him for his service to our community every year at the annual Remembrance Day service. Ray was actually attending a family violence incident when he was shot and murdered.

The police shooting that sticks out most in the minds of those of us from Shepparton is the murder of police constables Damian Eyre and Steven Tynan. Damian was only 20 and Steven only 21 when they were murdered in cold blood. Damian of course grew up in Shepparton, and he was a close friend of mine. He and Steven were new constables. They were lured by a false report to Walsh Street, where they were murdered. The murderers had waited there to ambush them. Ever since those murders I have never driven down Walsh Street. I cannot bring myself to do it. Even when I drive past the Walsh Street intersection on Toorak Road, Domain Road or Alexandra Avenue it still sends shivers down my spine. It is something I will never forget.

Damian grew up in Shepparton admiring his father, Frank, who was a highly respected police officer in our town. Damian's older brother, Daryl, had also followed Frank into the police force, and Damian only ever wanted to do the same. I remember quite clearly when Damian graduated. His mum, Carmel, and his Aunt Val, who always came into our family business together, brought in pictures. They were so delighted. The whole family was absolutely delighted that Damian was finally living his dream. I actually spoke with Damian only a few days before his death, and his excitement and pride in finally achieving his lifelong ambition was evident in that conversation. No-one has ever been convicted of the murders of Damian and Steven. Four people were charged and faced trial, but they were acquitted in 1991.

As a minister in the Baillieu government, in 2011 I was delighted to be sitting at the cabinet table at the time our Attorney-General, Robert Clark, introduced legislation that changed the double jeopardy law. This provided the opportunity for a retrial of those four people who had been acquitted of these charges a few years earlier. Unfortunately the retrial never occurred as there was not enough new evidence to allow it to proceed.

Damian and Steven were both honoured posthumously. In 2005 they were awarded the Victoria Police Star. That was the year the award was inaugurated. It is a medal that recognises Victoria Police employees who have been killed or seriously injured as a result of their association with Victoria Police. Also, in 2016, just this

year, Damian was posthumously awarded a National Police Service Medal.

The cold-blooded murders of constables Eyre and Tynan rocked and incensed Victorians. As I said, this incident was felt particularly hard in their home towns of Shepparton and Bendigo, and it led to the founding of the Tynan Eyre Foundation, which was later to be known as the Blue Ribbon Foundation. I have had a long association with the Tynan Eyre Foundation and the Blue Ribbon Foundation since the beginning, as has my brother Gary, who was heavily involved in the search and rescue squad in Shepparton. Our emergency department in Shepparton was named the Eyre-Tynan emergency department because the foundation actually raised around \$125 000 for its refurbishment in 2007.

Parole is an issue we talk about a lot. We talk about the effects of it. In more recent years we saw the effect of someone being out on parole with the murder of Jill Meagher. That is something that this government needs to look at even more closely. The circumstances of someone else being out on parole had an enormous impact on the community in Greater Shepparton. I refer to the two Irwin sisters, who were murdered in their home in Altona North back in 2006. Laura and Colleen had been living in a house in Altona North, and a violent criminal, William John Watkins, who had been released on parole, lived close to them. There has been a lot of debate about William John Watkins and his violent history and about whether the convictions handed down and the subsequent penalties were heavy enough for the types of crimes he had carried out in the community before. However, he was back in the community and he raped and murdered the two Irwin girls, and that really rocked the Shepparton community.

The Irwin sisters were let down not only by the parole system but also by the 000 service. On that fateful day one of them actually dialled 000 from their mobile phone, but the emergency services were never sent because the line went dead within 5 seconds. It was said at the time that there was no sound on the tape so they did not send anyone out. They said that the call was not terminated by the 000 service but that it was terminated on the phone it was originally dialled from. We will never know, but perhaps it was William John Watkins himself who terminated that call. Had that been investigated, perhaps these girls might have lived or Watkins might have been caught sooner. He was caught just a few days later because he actually shot a policeman in Western Australia, but perhaps that police officer could also have avoided that confrontation with William John Watkins.

The parole system does let people down. It really needs to be tightened up in Victoria. I welcome the changes this bill introduces, and I note that they will keep in jail Craig Minogue, the Russell Street bomber who murdered Constable Angela Taylor. That happened when I was quite young, but I remember quite clearly seeing it on the television news. I remember how horrific it was. Of course the police station on Russell Street was quite familiar to all of us because the old *Homicide* television program was filmed there. It was at a very familiar location that that bomb exploded. I guess it was a loss of innocence for many of us in Victoria seeing that these things could happen in our community. Craig Minogue deserves to stay in jail. He committed one of the most horrendous crimes we have seen in our state. I welcome this bill, which will tighten arrangements to ensure that he does stay in jail until he is no longer a danger to our society.

I note that this legislation was introduced following initiatives of Edward O'Donohue, the shadow Minister for Police and shadow Minister for Corrections, to introduce a bill to keep Craig Minogue in jail. He also introduced no body, no parole legislation. Congratulations to Mr O'Donohue on his leadership on these issues. At least this government is now actually following in his footsteps. They lacked the vision and the leadership to actually introduce this legislation themselves.

**Mr MORRIS** (Western Victoria) — I rise to make my contribution to the debate on the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016. In doing so I note that an important change is going to occur to ensure that those who have murdered our police officers are not going to be paroled. Indeed the bill is also seeking the changes that Mr O'Donohue sought, as Ms Lovell correctly stated, in the Corrections Amendment (No body, no parole) Bill 2016, which is legislation that Mr O'Donohue introduced into the Parliament earlier this year. It was disgraceful to see the government voting down an important piece of legislation that had, from my understanding, the support of six parties in this house. Six parties came together to support the legislation in this house, yet the government sought to vote the legislation down on the first reading, which was a disgraceful act by this government. I also note that these changes are something that I think the community believes are important, which is why I am pleased that the government has followed Mr O'Donohue's lead on this and will be instituting these changes.

It is very concerning, however, that the government has not provided the stability in the corrections portfolio that the community certainly are screaming out for. We

have a law and order crisis here in Victoria. We are seeing youth crime skyrocketing and recidivist youth offenders running riot in our community, and the government is doing nothing to support — —

**Ms Crozier** — Except blame everyone else.

**Mr MORRIS** — Indeed, except to blame everybody else; that is correct, Ms Crozier. This is everybody's fault but the government's, according to them. They are taking absolutely no measures to ensure that these recidivist youth offenders are appropriately dealt with. Indeed buying pizza and Coke is not going to fix the law and order crisis that we have in Victoria, and yet this is what we are seeing from this government. Seeing four ministers in 12 months in the corrections portfolio is directly indicative of the community view of this government that they are soft on law and order. They are just cycling through ministers like you would not believe with regard to this incredibly important portfolio, one that the community is screaming out for some certainty in.

I note that there has been commentary from the Greens about this bill, and the fact that any political party could not support these measures, I think, escapes addressing the view of the community in terms of the importance of these changes. I note that Justice Vincent, in sentencing Mr Minogue for the crime of the Russell Street bombing in 1986, said:

This event involved the commission of one of the most serious criminal actions ever to take place in this community ... it is clear that in your hatred and contempt for this society and its institutions, you, Mr Taylor, and you, Mr Minogue, participated in behaviour recognised in so many other parts of the world as an act of war.

That was what we saw with the Russell Street bombing. This was as close to an act of war as you could possibly see in our community. It is reprehensible that these crimes were perpetrated here in Victoria. The death of Angela Taylor and the injuries to over 20 other people were an act of sheer violence and hatred, and a very strong message needs to be sent about that. The Greens may say that there is no need to appropriately punish these people, but I would say that the community expects that these people are going to be held to account for their disgraceful behaviour: the attack on the very important institution of our society that occurred in 1996 with the Russell Street bombing.

I certainly note that it is important that the police in our community are protected and are shown the respect of the community and of the Parliament and that there are appropriate measures to ensure their safety — that if people are going to go outside of what is seen as respectful behaviour, these people are going to be

appropriately punished. If you are going to kill a policeman and think there is an opportunity of parole, well, I think there is a very strong message that needs to be sent: you kill a policeman, you are going to go to jail and you are going to stay there for an exceptionally long period of time until such time as you are not a threat to the community at all. If that is to the end of their natural life, then I think that is something that responsible members of the community would certainly support. We cannot place ourselves in a situation where those who seek to do harm to our communities, to our institutions and to the good people in Victoria Police are not going to be an appropriate subject to measure to hold them to account.

The approach of the left of politics when it says that these people need to be given a second chance is not in keeping with what the community wants. The community wants to ensure that there is a strong message sent that there are appropriate safeguards in place: if you are going to kill a police officer, you are not going to get out of jail until such time as you are not a threat to the community as a whole.

I certainly note that Mr O'Donohue has taken a lead on two significant changes with his no body, no parole legislation, as well as the legislation to ensure that Craig Minogue is not released into the community. But I also note that what we are seeing here in this bill is something that we saw in Mr O'Donohue's previous bill. The bill's provisions will mirror those that were established for Julian Knight and follow the test that was established by the High Court in the Crump case, which confirmed that the conditions surrounding the granting of a parole order are a function of executive government.

In effect if you are given a sentence of life imprisonment, any further extension or possibility of parole is at the discretion of the executive government, and rightly so. If you are given a life sentence — and I believe, like many in the community believe, that life should mean life — it should mean that you are going to spend the rest of your life in jail for the offences that you have committed, because we cannot be in a place where serious crimes are not dealt with appropriately. I believe the Callinan report does speak to the point that if a violent offender is in jail, each day that they are in jail is another day when the community is not placed at risk of further crimes being committed by that person. This is something that I believe is genuinely common sense, but it is something that the left of politics seem to try to ignore.

We need to send a strong message that violent offences will not be tolerated and that the people who do commit violent offences are going to be treated harshly by our

criminal justice system. If you kill a police officer, you are going to be placed in jail for an extended period of time. If that is for the term of your natural life, then I think that is something that the community would certainly expect.

I must commend the police on the difficult work that they do, because when you have a government that is actively working against you and not willing to support you, it is rather difficult to do your job. When you have a government that is reducing the number of frontline police officers who are here to protect our community — our police officers are committed individuals — and when you have got a government not giving you the appropriate resources to do the job that you need to do, it is exceptionally difficult moving forward. To keep morale up in the police force with this distinct lack of resources is exceptionally difficult. I thank the police for the difficult work they do, and these matters — —

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Parole reform

**Mr O'DONOHUE** (Eastern Victoria) — My question is for the Minister for Corrections. Minister, former minister Mr Noonan promised that the final recommendation of the Callinan review would be implemented by December last year, but now we learn this critical community safety reform has been delayed by a disgraceful three years.

The Premier said he would not waste a day in reforming the post-sentence regime for serious sex offenders following the tragic murder of Masa Vukotic. Despite receiving the report into reforming this system more than a year ago, former minister Mr Herbert confirmed that only 2 of 35 of these important recommendations had been fully implemented.

Following the worst prison riot in Victoria's history at the Metropolitan Remand Centre last year, the government said the cost to fix the prison would be between \$10 million and \$12 million and that these works would be completed by about now. We now know that the true cost is closer to \$100 million and that works will not be completed before mid to late 2018.

So I ask: Minister, what are you going to do to ensure this litany of waste and blowouts in both time and cost does not continue and the corrections system is brought under control?

**Ms TIERNEY** (Minister for Corrections) — I find that a very interesting question coming from a former Minister for Corrections because I think he well knows that Corrections Victoria is a very well oiled machine and there cannot be any allegations in terms of waste and other such allegations.

**Mr O'Donohue** — Government decisions need to be made.

**Ms TIERNEY** — There are government decisions that have been made in relation to the recommendations of the Callinan report. There is one item in that report that has not been implemented as such to date. This was a question that you asked earlier this week, and you were provided with the answer. As you well know, Mr O'Donohue, that recommendation pertains to information technology that is required so that there can be conversations and information shared across a number of appropriate departments.

The fact is — and you know this fact — that the various departments have different IT systems. It is taking time to make sure that the right systems are put in place because this is very, very important and sensitive information. If it got into the wrong hands, it would be quite damaging to a whole range of people. So we make no apologies for attempting to get this issue right, as opposed to what you did when you were the minister.

*Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — I note the minister has confirmed the three-year blowout in time delivery for the final recommendation of Callinan in her substantive answer, and I ask by way of supplementary question: Minister, can you give a date by when all the recommendations of the Callinan and Harper reviews and the Walshe review into the Metropolitan Remand Centre prison riot will be fully implemented, or will you follow the example of your three predecessors by allowing costs to blow out, time lines to balloon and important community safety improvements to be left incomplete?

**Ms TIERNEY** (Minister for Corrections) — This is the remaining recommendation that is being worked on. The focus of Corrections Victoria is absolutely measured, and we are working through what are complicated issues. We are committed to making sure that it is implemented in a way that not only will be proper but will also serve its proper purpose. It will mean that we have infrastructure in place that will stand the test of time. It is important that we get this right, and you cannot underestimate the difficulties here. You

know in terms of whole-of-government responses — —

**The PRESIDENT** — Order! Thank you, Minister.

**Youth justice centres**

**Ms CROZIER** (Southern Metropolitan) — My question is for the Minister for Families and Children. Minister, departmental guidelines state, and I quote:

Category 1 incidents are the most serious incidents and include incidents such as death of clients; allegations of physical or sexual assault; and serious client behavioural issues that impact on client or staff safety.

Given the confirmation yesterday that a young offender with a disability was assaulted three times in four days, with paramedics and Victoria Police being involved, at Malmsbury Youth Justice Centre, how was it possible that under departmental reporting guidelines these three incidents of serious physical assault were not classified as a category 1 incident?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question. I take this opportunity to make the point, as per the motion that I gave notice of earlier today, that we have just seen time and time again Ms Crozier coming into this house — —

**The PRESIDENT** — Order! Minister, your use of a notice of motion to prosecute those views about what might be, in your view, the misinformation by Ms Crozier was the appropriate action to take. That motion is now ready to be debated when we return, unless you want to bring it on later this day. On that basis you are debating the answer. That is not within our standing orders, as you know. I request that you provide an answer to the question rather than discussing further the motion you gave notice of this morning.

**Ms MIKAKOS** — President, the point goes to the assertion made by Ms Crozier that everything that she has put on the record is in fact correct. I did provide the member with a written response in relation to this matter in which I did refer to her claim. In fact it is a classification system and an incident reporting system that was put in place by Mary Wooldridge when she was the Minister for Community Services.

Just because the member comes into this house and claims that certain things happen does not make them true. As I said yesterday, we are clearly in a post-Trump, post-truth world where the opposition think they can come in here and make things up. As I made clear, we have just had mistruths from

Ms Crozier time and time again. We had the department — —

**The PRESIDENT** — Order! Minister, I am not interested in travelling back over that ground again. I have already made some comment today. You have got a motion on the record. Let us do the motion at the appropriate time. Let us not debate the answer. The question was put. If you want to refute the question, fine, but do not travel over other ground.

**Ms MIKAKOS** — Thank you, President, but the point that I am making is that this is a system — one the member says she now has no confidence in — that was put in place by the previous government. The department is in the process of revising its incident reporting system, because this was a recommendation made by Bernie Geary in his report to the Parliament last year. The department is in the process of updating its classification process, but the point that I make to the member is that the incidents the member asserted had occurred, as I advised her in writing, did not result in a category 1 incident. These matters are also subject to regular auditing by the department to make sure that the classification system is correct.

What is clear is that we have had Ms Crozier assert previously that 23 category 1 incidents took place, and she was wrong on at least 13 occasions. She came here and she reeled off a big long list of 23 dates. She was wrong on 13 of those occasions.

**Ms Crozier** — On a point of order, President, the minister has been speaking for 3 minutes and she has not nearly addressed why these physical assaults were not reported as category 1 incidents, as defined in her own departmental guidelines.

**The PRESIDENT** — Order! I actually think in the middle of all that debate there was a reference to the question, and the reference essentially was that they did not meet that category 1 definition, so presumably what the minister was saying was that they were not of the level of seriousness that would be reported as category 1. Perhaps as the minister completes her answer in the next 56 seconds she might confirm my perception of what that answer was.

**Ms MIKAKOS** — Thank you, President. I actually did address this point, but clearly Ms Crozier is just not interested in any answers. She is just interested in making her assertions and putting — —

**The PRESIDENT** — Order! Please do not debate; answer the question.

**Ms MIKAKOS** — President, I did address this point. I addressed this point about 3 minutes ago. The point that I make is that we have put in place more accountability in relation to these matters than has ever been the case before, publishing category 1 incident reporting numbers on a quarterly basis — something that the previous government never did. We are putting these numbers up on the department's website. In addition to this, we legislated at the start of the year to ensure that category 1 incident reports are now sent to the Commission for Children and Young People so they are subject to an independent oversight mechanism, again something that never occurred under the previous government.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — Minister, given these three incidents of assault will be hidden from public reporting and disclosure, how can Victorians have any confidence in the quality of data you release which reports on the violence, the abuse, the staff threats and the growing number of riots in Victoria's youth justice system.

**Ms MIKAKOS** (Minister for Families and Children) — Essentially what Ms Crozier is saying is that she has no confidence in the system put in place by her leader sitting next to her. If that is the assertion she wants to make, so be it. But the point that I made in my substantive answer was that there is a classification system, it is being revised — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I actually rise at the time when it falls silent. At any rate, this is the last day and I can understand that everybody is excited about the forthcoming Christmas period, but please save the excitement for lunchtime.

**Ms MIKAKOS** — In addition, we have got more oversight through publishing of quarterly data and we have got more oversight through a legislative requirement now for the first time to send category 1 incident reports to the Commission for Children and Young People. We have got far more accountability around these particular measures than we ever saw under the previous government.

### Public holidays

**Mrs PEULICH** (South Eastern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. On 6 September 2015 you said:

I am not for one moment advocating that we move to 14 public holidays by any stretch.

Minister, given we now have 14 public holidays in Victoria — the highest in Australia — and given the \$1 billion economic impact and loss of jobs due to the grand final eve public holiday, was any consideration given by the Andrews government to dropping the grand final eve public holiday for the newly declared Christmas Day public holiday?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I thank the member for her question. No.

#### *Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) — On 7 October 2015, in answer to a question seeking a guarantee that you would not gazette any more public holidays, you said:

Furthermore, I have responsibility for all the public holidays across Victoria. The government intends to keep its election commitments, and no other public holidays were part of any of its commitments.

Minister, given the certainty you outlined to the house, why has the government broken another commitment to Victoria's small business community?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I have made much commentary about the change to create the Christmas Day public holiday, both answering questions by the media and answering questions in fact in this chamber, and what I have said consistently is that I got it wrong. I acknowledge that I got it wrong.

**Mrs Peulich** — So a broken promise.

**Mr DALIDAKIS** — No. There is no broken promise. I will tell you what there will be, President: there will be broken promises on that side when they go at the next election to pull away public holidays from the hardworking men and women of Victoria.

Come out and tell us. Tell the people in the gallery, tell Victorians what you are going to do with Grand Final Friday. Are you going to pull it away? Are you going to take it away? Are you going to rip it away from Victorians the way that you did Show Day? Show Day was a day to showcase the best of rural and regional

Victoria, with the ability for rural and regional Victoria to come to Melbourne and take pride in everything that they do. Jeffrey Gibb Kennett took that day away from all Victorians. We on this side of the chamber make no apologies for allowing friends, family and loved ones to share time with their family.

I find it amusing that the only people that continue to ask questions about the Christmas Day public holiday are those that pretend to be of faith and think that people should not be paid what they deserve on Christmas Day — one of the most holy days within the Christian calendar. We have decided to make it right for those people that have to be away from their friends, family — —

**The PRESIDENT** — Order! Thank you, Minister.

### Small business sector

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. The latest Sensis small business index found a massive 11-point decline in just three months in Victorian small business attitudes to Victorian government policies, meaning a seventh straight negative result for the Andrews Labor government.

In response to the Sensis small business index, small businesses say they have a poor view of the Andrews Labor government because, and I quote:

The main complaints about the Victorian government are that it takes too much notice of unions ...

The survey has declared:

The Victorian government has become one of the least popular in the nation among ...

small and medium businesses.

Minister, what immediate action will you take to ensure that undue union influence, through which we have seen over the past two years unions being the winners in the Andrews Labor government while putting the community last, is actually blocked and small businesses can start to regain the lost confidence and trust which have occurred under your watch?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I can tell it must be the end of the year because they are not thinking up their questions very well. I will tell you what Victorian small businesses are happy about. I will tell you that there are more people employed today than at any stage, except at the beginning of your last term of government. When

we took over government, unemployment was at nearly 7 per cent. Right now it is in its mid-5 per cent range. There is nothing that we can do more on this side of the chamber than to give people a job, to put money in their pockets so that they can spend their hard-earned in small businesses right across this state.

We have created more jobs in Victoria than the rest of this country put together. Instead of members opposite being Team Liberal second and Team Victoria first, they continue to come into this chamber and attack us for doing our jobs, creating employment, promoting economic activity and getting on with the job of running this state — something on which they were all asleep at the wheel for the last four years, which is why they are all in opposition, and they should remember that.

When you look at the unemployment rate you see unemployment is down, employment is up and confidence is up. You should take regard of all of those statistics. Instead of attacking employment, instead of attacking industry development and instead of attacking economic growth, you should be mindful of the fact that under you unemployment went from 4.9 per cent to nearly 7 per cent. It is an indictment of each and every one of you who were in this place in the last term — 4.9 per cent to nearly 7 per cent. And now, in two years, we have got it back to mid 5 per cent, and confidence has never been higher under this government in comparison to your government.

*Supplementary question*

**Ms WOOLDRIDGE** (Eastern Metropolitan) — Obviously, with seven in a row, small businesses do not believe the spin and rhetoric from the minister either. Minister, when former minister Adem Somyurek was pushed by the Premier, he accused Mr Donovan from the Shop, Distributive and Allied Employees Association of exercising undue influence and said that must change if Labor were to avoid a one-term defeat. Fourteen months later Victorian small businesses are continuing Mr Somyurek's calls. For you as small business minister to actually take action against undue union influence upon your government, you must first acknowledge that it is occurring. So I ask: do you as minister acknowledge the same concerns as the former minister, Adem Somyurek, and Victorian small businesses about detrimental undue union influence on the Andrews Labor government?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — It hurts those opposite to recall that in fact my background is in the private sector. I have a commercial and finance background. I

have had time spent in public policy, within both the state and the federal governments, and at no stage, at no time, have I actually worked in a union. Now, that might upset those opposite, President, but let me tell you something else that will upset them. In the last 12 months there has been no greater growth in small business around the country than in Victoria — a net growth of over 8000 small businesses. It is an inconvenient figure, an inconvenient stat for those opposite, when you consider that we are now leading the nation in small business growth. The reason for that is that we are investing in industry, we are investing in the economy, confidence is up, unemployment is down and employment is up — and they cannot handle the truth.

**Member for Footscray**

**Mr ONDARCHIE** (Northern Metropolitan) — Merry Christmas to you, President. My question is for the Minister for Small Business, Innovation and Trade.

*Honourable members interjecting.*

**Mr ONDARCHIE** — I concur with the government's disappointment. Minister, I refer to my question to you on Tuesday of this week and your subsequent answer in writing regarding the member for Footscray's role as the Premier's special adviser on trade, her office in your own department, her overseas travel alongside the Premier, her access to minstaff email and her parking spot at 121 Exhibition Street. The Premier has also told the other place today that this backbencher, the member for Footscray, has been provided with appropriate resources to undertake her special adviser role. Can you detail the costs incurred by your department or ministerial office budget for all expenditure relating to the member for Footscray, including her office, her parking, her travel and other costs?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I tell you, President, it just gets better and better. I think Mr Rich-Phillips should actually be writing the questions for those opposite. Certainly he should take over Mr Ondarchie's role. As I have said previously and as I said in my answer on Tuesday, the role of special adviser to the Premier is one that the Premier gave to Ms Thomson. Can I tell you, President, as the person responsible for the industry and trade portfolio in terms of exports and investment facilitation through our Victorian government business office network around the world, I could do no better than to have a colleague like Marsha — Ms Thomson — helping the government out

at each and every opportunity. She is somebody who sat at this desk as a minister.

**Mr Ondarchie** — On a point of order, President, my question was very narrow. I did not ask the member to read out the member for Footscray's CV. I just simply asked for the costs associated with her special appointment.

**The PRESIDENT** — Order! The minister still has more than 3 minutes to address the cost issue, and I am sure he will. In the meantime, Minister, I do not think that you need to give gratuitous advice to the opposition on who should handle what in their ranks either.

**Mr DALIDAKIS** — You are quite right, President. The Honourable Gordon Rich-Phillips already has too much work on his plate. Can I say, President, that the Honourable Marsha Thomson sat in this place as a minister undertaking a role in relation to trade and innovation policy — ICT policy — and there is probably no-one better credentialed in the lower house to advise the Premier on work in relation to these portfolios. We on this side are a team and together everybody will achieve more, and if that means that we use the capacity, the knowledge, the skill and the depth and the breadth of experience both in this place and in the other place to be able to ensure that Victoria goes from strength to strength and to ensure that we create as many jobs as possible and we fix the economy that we inherited from those opposite, then guess what, President, we will take every opportunity. We will take every opportunity, and we will use everybody at our disposal to ensure that we progress Victoria, because unlike those opposite we are Team Victoria first and we are our party politics second — unlike those opposite, that are Liberal first and Victoria second.

**The PRESIDENT** — Order! Minister, you have been adopting a style of answering questions over a period now which is just debating. Certainly the remarks that you have just been making are debating the answer. They are not relevant to the question that was asked. They are a reflection on the opposition, which is not something that we accept either. Minister, the question was narrow. I gave you some leeway when we had 3 minutes on the clock. Now I would hope to see an apposite response to the question that was asked.

**Mr DALIDAKIS** — President, I thank you for your guidance. With 1 minute 50 to go let me also say — and I am happy for you to refer to the question and refresh my knowledge — that the beginning of the question specifically went to the Honourable Marsha Thomson's role as a special adviser to the Premier. By the end of the very long statement — monologue, if

you will — finally, at the very end, we got to a specific question, so I believe that I am well within my right to talk about the contribution that the Honourable Marsha Thomson is making to this government.

In relation to the very specific question, I will need to take on notice the issue of where costs are allocated. Are they allocated against the Department of Premier and Cabinet, as she retains the role at the Premier's discretion, or are they allocated against my department? It is not something that I concern myself with, because I concern myself with the policy across Victoria, not the minutiae about whether money comes from box A or from box B. What we concentrate on, on this side of the chamber, is actually ensuring that as many people are in jobs as possible, that economic growth is as high as possible and that confidence continues to grow and grow and grow. That is what we are concentrating on, and that is what I am concentrating on as minister.

*Supplementary question*

**Mr ONDARCHIE** (Northern Metropolitan) — Minister, continuing our discussion about the member for Footscray, the Premier announced in question time in the Legislative Assembly today that the member for Footscray is, and I quote, 'doing a fantastic job for trade'. Why does the Premier never say that about you?

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I will tell you why Mr Ondarchie does not know, President: because he does not sit in our cabinet. That is why.

**Youth justice system**

**Ms SPRINGLE** (South Eastern Metropolitan) — The links between family violence, child protection and young people ending up in the youth justice system are well documented.

**The PRESIDENT** — Order! Who is the minister?

**Ms SPRINGLE** — The Minister for Families and Children.

**Ms Shing** — We thought it was the Special Minister of State.

**Ms SPRINGLE** — I am sorry — not really. Shall I start again? The links between family violence, child protection and young people ending up in the youth justice system are well documented. The Youth Parole Board surveyed sentenced and remandee children and found that 64 per cent had been subject to a previous or current child protection order and 63 per cent were victims of abuse, trauma or neglect. How is your

decision to lock up children in Barwon Prison consistent with a trauma-informed approach to child protection and family violence?

**Ms MIKAKOS** (Minister for Families and Children) — I thank Ms Springle for her question. As I explained to her on Tuesday and I explained to her on Wednesday, this matter is now before the Supreme Court, and I have made it clear to the house that I do not propose going into details in relation to the legal action. But what I can say to the member is that it is correct that the Youth Parole Board does highlight the very significant levels of disadvantage that many young offenders, particularly those who are incarcerated, have experienced in their lives. The Youth Parole Board annual report talks about the number of young offenders who have a parent who may also have been incarcerated, as well as other levels of disadvantage.

The reason there is a different response to young offenders is that our youth justice system is predicated on the basis of rehabilitation, and that remains the case. That is why young offenders, while they are incarcerated, get access to a range of services, including education services, in order to enable them to be rehabilitated. The responsibilities and the duty that sits with the Secretary of the Department of Health and Human Services, as the member would be aware, are clearly spelt out in the Children, Youth and Families Act 2005.

I do not dispute that there is a level of disadvantage faced by young offenders. This is why the response in terms of the types of services and supports for these young offenders is appropriately focused in response to that level of disadvantage. However, we need to ensure that the operating model and the other supports that young offenders do get are appropriate to their needs. I have asked my department to undertake, and it has now for several months been undertaking this, an update of the youth justice framework, as the member would be aware. That is a framework that has not been looked at for 16 years. In fact it was something that did surprise me as the incoming minister that that framework did not get updated for 16 whole years. Certainly those opposite had no interest in updating it for the four years that they were in government. It has identified some gaps. This is why our government is bringing in mental health clinicians to work with young offenders to address issues around their disadvantage and around issues of trauma that they may have experienced in their lives, so that they can be properly rehabilitated before they are released back into the community.

*Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) — I thank the minister for her answer. That is very reassuring to hear. However, to date we have heard reports of locking children in extended solitary confinement, stripping them of their rights to a lawyer, children having contact with correctional staff who do not have working with children checks and children having no access to education in Barwon Prison. How will this approach do anything other than entrench these young people in a life of crime?

**Ms MIKAKOS** (Minister for Families and Children) — The member's preamble to her question asserted a number of things. As I explained — and I knew we were going to be heading in this direction — at the outset in response to the substantive question, and as I explained earlier in the course of the week, these matters are now before the Supreme Court. I do not propose to address them for that reason, but I am happy to have a discussion about them post the Supreme Court action. What I can assure the member is that the department takes its responsibilities very seriously and does act in accordance with all the relevant legislation and the charter.

**Youth justice system**

**Ms SPRINGLE** (South Eastern Metropolitan) — My question is for the Minister for Families and Children. As she has already alluded to in her answer to my previous question, it is clear that young people involved in the youth justice system have acute needs and are at a high risk of reoffending in the future. They are disproportionately victims of abuse and neglect and require specialist treatment. The youth justice system is predicated on the understanding that young offenders have a greater chance of rehabilitation than adult offenders and so need to be treated differently. Can the minister tell us what rehabilitation programs are actively being offered to the recidivist offenders in Barwon Prison to address their traumas and reduce their chances of reoffending?

**Ms MIKAKOS** (Minister for Families and Children) — Thank you, Ms Springle, for your further question. I have responded to questions in the house on a number of occasions in relation to the types of services being offered to the young offenders in the Grevillea unit of Barwon Prison. As I have already made clear, until such time as the Supreme Court action is concluded, given that I am a party to those proceedings, it would be unhelpful for me to provide further details around these matters because these are matters that will be considered by the court next week.

As minister I need to ensure that the interests of my fellow Victorians are my primary responsibility in relation to these matters and I need to ensure that I can abide by my responsibilities as a litigant to the Supreme Court in relation to this issue.

*Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) — I suspect that my supplementary is rather superfluous at this point, but I am going to ask it anyway. Can the minister categorically guarantee that those children in Barwon Prison are receiving the services that she has outlined?

**Ms MIKAKOS** (Minister for Families and Children) — I refer the member to my previous responses in relation to these matters.

**Respectful relationships education**

**Dr CARLING-JENKINS** (Western Metropolitan) — My question is also to the Minister for Families and Children, Ms Mikakos, but it has nothing to do with youth detention. It is instead in relation to the respectful relationships education program. According to the education department website, this program will be rolled out in early childhood education settings such as kindergartens. Minister, my question simply is this: will it be mandatory in all early childhood education settings which receive government funding for the program to be implemented in its entirety, even those centres that disagree with specific aspects of the content being promoted?

**Ms MIKAKOS** (Minister for Families and Children) — I thank Dr Carling-Jenkins for her question. What I can say to the member in relation to this is that our government makes no apology for the fact that it is seeking to tackle the issue of family violence in our society. This is why we recently released a very ambitious family violence plan to eradicate family violence in our community. It is a long-term strategy that needs to address the fundamental reasons why family violence is occurring in our society. These issues go to attitudes held by individuals, particularly as they relate to the role of women and girls in our society. This is why we need to work assiduously to change these cultural attitudes that may exist amongst some individuals, and this means that we need to work very hard to change these attitudes from a very young age.

The budget this year did contain funding for a respectful relationships program both in our early childhood settings as well as in our schools. The

program that will be rolled out in our early years services is in a development stage. It is something that is new and will be developed in consultation with early years experts. It is in fact a professional development program for staff in our early years services, and we have provided funding through a budget allocation of \$3 million to our early years professionals to be able to undertake this program. Of course it is a professional development program that is going to be age appropriate for children who are in an early years setting.

Whilst I know that members of the coalition have embarked upon a scare campaign when it comes to respectful relationships in our school settings, I certainly would be incredibly disappointed if they sought to engage in similar behaviour when it comes to the issue of respectful relationships amongst our early years services, because what this program is designed to do is to promote tolerance and understanding amongst children at a very young age so that all children can get along well together and learn that it is important to respect each other as they grow up and then eventually form positive relationships later in their own lives.

**Dr Carling-Jenkins** — On a point of order, President, there was 3 minutes of background there; however, my question ‘Will it be mandatory to be implemented?’ was not actually answered. Can I draw the minister back to that?

**The PRESIDENT** — Order! I agree, but the minister has completed her answer.

**Ms MIKAKOS** — I had not concluded my answer. I have another minute, do I not? I was sitting down because the member was getting to her feet, President. I just want to make the point to Dr Carling-Jenkins that, as I said, it is a professional development program which is intended to be rolled out to about 4000 early years professionals right across our state. It will give the opportunity for every early childhood professional across our early years services to participate in what will be a very important program.

*Supplementary question*

**Dr CARLING-JENKINS** (Western Metropolitan) — I thank the minister for her answer, particularly the amount of background we received there. Very briefly, since this is still in the development stage, as you were describing in your answer, will the views of parents be taken into account as this professional development program is developed?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her supplementary question. As I explained, the program is being developed. It is not actually in existence at the moment. It is a program that the Department of Education and Training is proposing to develop through consultation with early years professionals and experts, and obviously there will be an opportunity for them to have discussions with peak bodies that represent parental views as well.

It is a program that is going to be age appropriate, so I certainly would be very disappointed if those opposite in particular sought to play politics with a program that that they should be embracing.

**Ms Crozier** interjected.

**Ms MIKAKOS** — The member opposite who is responsible for the prevention of family violence should actually be supportive of these types of initiatives rather than making snide comments as she is at the moment.

### ***Sustainable Hunting Action Plan 2016–2020***

**Mr YOUNG** (Northern Victoria) — I am dearly sorry, Mr Jennings, but my question today is for the Minister for Agriculture. Yesterday saw the release of the *Sustainable Hunting Action Plan*, and on face value it seems like there are some good intentions on the part of the government in recognising the contribution that hunting makes to our society. The plan highlights the economic contribution of hunting, the social benefits of hunting and the positive environmental and conservational impacts of hunting. The government has indicated they will aim to improve and grow all of these aspects of hunting in the state of Victoria. Hunters recognise that the first step in improving the management of state game reserves is to have them managed by the same authority that is responsible for game hunting in Victoria, the Game Management Authority. Since the minister has previously indicated the government will not go down this path, what specifically will the government do to address the actions in this plan and in what time frames?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Young for his question and his interest in the recently launched *Sustainable Hunting Action Plan*. As Mr Young would be aware, in the budget earlier this year the government committed \$5.3 million to support a range of initiatives, which were detailed in part at the time of the budget announcement and are detailed much more comprehensively in the *Sustainable Hunting Action Plan*. Our government recognises that there are 50 000 licensed game hunters and that this is a

really important recreational pursuit for many, many people — indeed people who have been hunting with their parents and with their grandparents and who hope to be able to continue that tradition through their own families for future generations.

The hunting action plan outlines 22 separate initiatives. It is a document that has been developed over the course of this year in consultation with hunting groups but also importantly across government as well, so there is a very clear delineation between which government agencies will be responsible for the implementation of which of the actions. In some instances it is the Game Management Authority; in others it is the Department of Environment, Land, Water and Planning; in others it is the Department of Economic Development, Jobs, Transport and Resources (DEDJTR); and some are tasks for Parks Victoria. Ensuring that all agencies are clear about who is responsible for what is really important in terms of ensuring timely delivery of all these initiatives.

It is a four-year plan, and all initiatives will be delivered over that period of time. Work on this will commence in earnest in the new year. For the benefit of members who, unlike Mr Young, may not have had the opportunity to read the plan from cover to cover this week, there are a couple of initiatives that I will just take the opportunity to highlight.

From the funding, there is \$300 000 over four years to engage the Australian Deer Association in deer control programs — really important work. We have a deer population problem, and we have a lot of people in the state who would like to help us manage this. This is of course a very good thing. There is \$440 000 over four years for the Firearm Safety Foundation (Victoria) to run safety courses and to develop training materials to improve compliance in relation to carriage, transport and storage. The funding includes a one-off grant to support the establishment of national hunting archives, and there is funding for improved signage in a range of locations across the state so that we can ensure safe use and interaction between different public land users at different points of time for different activities.

It is a commonsense plan, and it is arranged around these notions of promoting responsible hunting, growing hunting's benefits, improving opportunities for hunting and ensuring sustainable hunting. It is an activity that is very important to many people. It contributes \$439 million to the Victorian economy.

We will facilitate game meat processing. We will enable online processing and payment for game licences and a number of other initiatives that members

who have an interest in this or have constituents with an interest in these initiatives might like to avail themselves of. They are available on the DEDJTR website.

*Supplementary question*

**Mr YOUNG** (Northern Victoria) — I thank the minister for her answer. It is great to see some specific projects coming out of that, and it will actually give the Game Management Authority some direction over the next few years and allow them to be effective. My supplementary question is: Minister, why will the government not allow the Game Management Authority to manage state game reserves, as it would be easier to enact and monitor any actions relating to state game reserves that are outlined in the plan?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Young for his question. I can certainly assure Mr Young that the cross-agency and cross-department implementation group will work closely to ensure that all these actions are initiated. This is a whole-of-government approach to managing hunting activity in Victoria, and I can assure Mr Young that all the agencies that have been involved in its development are absolutely committed to successfully implementing each and every one of the 22 actions.

**QUESTIONS ON NOTICE**

**Answers**

**Mr JENNINGS** (Special Minister of State) — I thank the house for the ringing endorsement that in fact in six months there was not a matter within my portfolio or indeed about the wellbeing of the whole of government that warranted a question being directed to me today, but in absence of that I still have answers to the following questions on notice: 4809, 4816–19, 4921, 4987, 5327, 7652–6, 7659–69, 8924, 8962.

**QUESTIONS WITHOUT NOTICE**

**Written responses**

**The PRESIDENT** — Order! In respect of today's questions, on the first question by Mr O'Donohue to Ms Tierney I ask for just a response to the supplementary question, and that is one day. On Ms Crozier's question to Ms Mikakos, the substantive question, one day. On Mr Ondarchie's question to Mr Dalidakis, the substantive question, that is two days because it might involve the Premier's office. On Ms Springle's second question to Ms Mikakos, the substantive question, that is one day. On

Dr Carling-Jenkins's questions to Ms Mikakos, both the substantive and supplementary questions, that is two days because it might involve the Minister for Education. The minister did not answer whether it was going to be mandatory or not. That was the nub of the first question. The second question also went unanswered, so there is no point in pulling faces at me.

**Mr O'Donohue** — I have two points of order, President. The first one relates to the issue of unlawful releases, and I have raised it in the house on numerous occasions. That flowed from a question taken on notice during a committee stage. On 24 November the Minister for Corrections, Ms Tierney, told the house that the response that I was seeking would be provided to my office this week. I am still chasing the number of unlawful releases from 2016. While I may be a bit pedantic on this, it goes to the effective operation of the house. Often during the committee stage of a bill a minister will not know the answer to a question, will take that question on notice and the deliberations continue. Those deliberations continue in good faith and the committee can continue to consider the bill as it should. If ministers take matters on notice and that information is not provided, the only choice left to members of the opposition is to move that the committee report progress until that information is provided. I appreciate that I have raised this point of order several times, but I am frustrated, given the goodwill at the time and subsequently to facilitate the progress of bills. This failure by the minister to respond I think puts that goodwill in jeopardy.

**Ms Tierney** — On the point of order, President, indeed I did indicate that I would be able to provide that information. When the information was actually provided to me, I asked for clarity, and as I was not happy with some of the information, I requested further information. That has now come back to me and I have been advised that we can provide that information to Mr O'Donohue today.

**The PRESIDENT** — Order! I am pleased to hear from the minister that the information is available today, and I think Mr O'Donohue is as well, in that sense. I know that he has raised this on quite a number of occasions. I also understand that there was a change of ministers which meant that particularly the new minister needed to go back and check on this information. I think all that is appreciated.

Nevertheless, I do come back to the nub of the remarks that Mr O'Donohue made, that it is important for the house to consider that where matters are raised in committee and there is an indication by a minister that information is not immediately to hand but there is a

willingness to provide that information subsequently, it is in the interests of everybody that that commitment is fulfilled at the very earliest opportunity. Indeed, if that does not happen, then I can see circumstances in which bills will not be progressed because members will not have confidence about information coming forward, and that is a very serious risk for the government's legislative program. I think the point is well made in that sense, and I would concur with that point. Minister, thank you for chasing up that information.

**Mr O'Donohue** — On a further point of order, President, the Minister for Corrections, Ms Tierney, has provided a response to my question yesterday about the role of Corrections Victoria in managing the Grevillea unit and the two prison officers that are stationed there. The minister in her response has failed to actually address that issue, and moreover she has directed me to the Minister for Youth Affairs. I am curious as to what role the Minister for Youth Affairs has in the management of the Grevillea unit.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Yes, it has been gazetted as a youth facility and is under management in Minister Mikakos's jurisdiction.

**Ms Lovell** — It is not youth affairs.

**The PRESIDENT** — Order! No, not youth affairs; that is true. It is families and children. It is the right minister but the wrong terminology, I think. I will take the position that I will reinstate the question but redirect it to Ms Mikakos as the appropriate minister in regard to that. It will not be in the youth affairs portfolio but in the families and children portfolio.

**Ms Mikakos** — On a point of order, President, just in relation to that matter, it would be my expectation that whilst Minister Tierney could respond to it, the matter falls within my responsibilities, so the member would need to ask me the question separately rather than the question just being automatically redirected to the more appropriate minister. This has happened time and time again, and I do not believe we have just automatically redirected questions to the appropriate ministers in those circumstances.

**Ms Wooldridge** — On the point of order, President, there have been a small number of instances when the question was directed to a minister and we were advised that it should be directed to a different minister. On each of those occasions you redirected the question to the appropriate minister for response, and I think that your ruling was a very sensible and consistent one.

**The PRESIDENT** — Order! Well, I am very pleased! Ms Mikakos does raise a fair point of order, and I will give that some further consideration. On this matter and on the specific one that Mr O'Donohue raised just now, I was a bit surprised about the response as well because I would have thought that the officers, being the corrections officers, would have been under the jurisdiction of the Minister for Corrections, notwithstanding that this part of Grevillea is gazetted as a different type of facility now. The status of those officers is a bit surprising to me, as I read it, and I think it is fair that the matter can be cleared up on this occasion by simply a redirection, given that the minister has advised that that is the direction in which the question should be put. So on this occasion I will seek a redirection and, as I said, a reinstatement of the question.

I will give some consideration to this matter and perhaps talk to some members about how we process this going forward. I think on most occasions when I have actually done this in the past it has been with the courtesy of the ministers and the government to allow that to happen and has usually been to obviously clarify matters at the earliest opportunity. I recognise also that I would not want it to be some sort of tactical device. I think that it is an important issue as well, Ms Mikakos. So thank you for raising that point of order.

**Sitting suspended 1.03 p.m. until 2.08 p.m.**

## CONSTITUENCY QUESTIONS

### Eastern Metropolitan Region

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My constituency question this afternoon is for the Minister for Emergency Services, and I ask: why did he not attend the official opening of the Eltham Country Fire Authority (CFA) station, and did he ever plan to attend at all? Just last month the new Eltham Country Fire Authority station was officially opened. It has been a year since members began operating from the new \$9.6 million station, which was funded by the last Liberal government. It is a very important facility for the local community. The CFA members understood that the minister was to attend the opening. When he was not there to undertake the formalities, attendees were then told that he would attend at some stage over the course of the event, but he was a no-show for the entire event. In contrast to the information I received from him in this house that he would attend and visit with firefighters at the Eltham CFA probably before the end of October, he has failed to appear at all in the Eltham community, and I ask him why.

### Northern Metropolitan Region

**Mr ELASMAR** (Northern Metropolitan) — My question is for the Minister for Multicultural Affairs, the Honourable Robin Scott. There are many sporting clubs in the northern metropolitan area. They are doing a great job for their communities and they deserve our thanks. We accept that sport breaks down barriers and connects communities. This breaking down of barriers is what multiculturalism is all about, and that is something that is greatly supported by the community in the northern metropolitan area. Could the minister advise me on how the government is supporting these clubs to increase the involvement of women and young people from culturally diverse communities in sports?

### Eastern Victoria Region

**Mr O'DONOHUE** (Eastern Victoria) — I raise a constituency question for the Minister for Police. Now that the government has finally committed to increase the size of the police force the question I have is: when will the Somerville police station be opened? The former Chief Commissioner of Police, Ken Lay, wrote to the then Minister for Police and Emergency Services, Kim Wells, on 16 October 2014, saying the Somerville police station would be open 16 hours a day and provide 24-hour coverage of the Somerville area. However, because under the Labor government the number of frontline police has been cut, police stations have been closed and other stations have had their opening hours cut despite the surge in crime — up over 13.4 per cent according to the most recent figures — the Somerville police station was unable to be opened. The constituency question I have is: when will this purpose-built, nearly brand new police station be open to the community as was intended and as was committed to by then Chief Commissioner Ken Lay?

### Western Victoria Region

**Mr PURCELL** (Western Victoria) — My constituency question is to the Minister for Energy, Environment and Climate Change. I raised in this house on Tuesday the possibility of a nuclear power plant in Portland and have certainly been inundated with suggestions from community members of other forms of energy that would work in their town, including current work on the wind industry, solar energy, tidal power and geothermal energy, which would come from the very hot water that is available under Portland. I therefore ask the minister: will you work with the Portland community to develop Portland into an energy hub that will include new energy industries and an education centre of excellence?

### Eastern Metropolitan Region

**Mr LEANE** (Eastern Metropolitan) — The week before last I attended a forum run by Victorian Energy Compare, which I understand is a group that answers to the Minister for Energy, Environment and Climate Change, Lily D'Ambrosio. It was well attended, and it was co-hosted by the Monash Men's Shed. It was a very interesting session at which some people were brave enough to bring in their power bills and the people from Energy Compare put them up on the screen and showed ways they could save, in some cases, up to \$500 a year. The question I ask the minister is: will there be opportunities for similar forums in the Eastern Metropolitan Region next year, because I believe this forum was well attended and very worthwhile?

### Southern Metropolitan Region

**Ms CROZIER** (Southern Metropolitan) — My question is also to the Minister for Energy, Environment and Climate Change, Ms D'Ambrosio. It is in relation to the increase in power prices, particularly with the closure of the Hazelwood power station, which is to occur early next year. I have been speaking with residents and businesses in my electorate and specifically within the area of Bentleigh. When the closure of the Hazelwood power station was announced, the Premier said that any increase would cause pressure on household budgets but that the numbers would be in the order of 4 per cent. Well, we know he got that wrong. In fact less than a month later power prices for Victorian businesses have already increased by 13 per cent. My question to the minister is: can she rule out any further increases that small businesses will have to endure once Hazelwood closes on 31 March 2017?

### Southern Metropolitan Region

**Ms FITZHERBERT** (Southern Metropolitan) — My question is to the Minister for Education. Prior to the 2014 election the ALP promised to build the South Melbourne Park Primary School in Albert Park. Funding of \$8.4 million was allocated in the 2016–17 budget, of which over \$6 million was for moving out the current site tenants, Orchestra Victoria and Parks Victoria. The master plan was supposed to be out for public comment in the middle of this year, and Orchestra Victoria and Parks Victoria were to leave by November. But this appears not to have happened, which means the promise to open the school in 2018 will be broken. With the park school now two years behind schedule and, as I said, the promise to open in 2018 broken, the third deadline for tenants to move out

has been missed. My question to the minister is: when will Orchestra Victoria and Parks Victoria go, and where will Orchestra Victoria be located?

### Southern Metropolitan Region

**Mr DAVIS** (Southern Metropolitan) — The matter I want to raise today is for the Minister for Planning, but it is also relevant to other ministers, particularly the Special Minister of State. Today Infrastructure Victoria released its 30-year infrastructure strategy. The government has 12 months to respond. What is clear from both the initial draft and this final report is an absolute and total obsession with densification. The strategy singles out the south and east of Melbourne and indicates that there will have to be interventions to force the densification that is a part of this particular document, a densification that is not followed by the support of proper infrastructure — water, sewerage, schools and hospitals.

What I ask now of the Special Minister of State or the Minister for Planning, whichever wishes to respond, is: will they rule out these extraordinary and provocative approaches that have been laid out in Infrastructure Victoria's report?

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) — My question is for the Minister for Health, and it regards a constituent of mine who recently experienced the distress of having to wait 10 hours at the emergency department at Goulburn Valley Health (GV Health) with a severe case of cellulitis of the scalp. He advised me that he arrived at 10.00 a.m. and left at 8.00 p.m. without being seen as the wait was too long and he needed to go home to self-administer pain relief. He returned to the hospital the next morning in excruciating pain and after an hour and a quarter was seen by a doctor who recognised the severity of his condition and admitted him for treatment.

The hospital and staff are doing all they can to create as many efficiencies as possible within the emergency department to improve response times, including having already completed a community-funded redevelopment. But more needs to be done prior to the completion of the hospital rebuild, which is to occur in 2020. That is too far away. We need solutions now. My question of the minister is: when is she going to give GV Health the additional resources it needs so as to ensure wait times are significantly reduced while we wait for the redevelopment of the hospital?

## JUSTICE LEGISLATION AMENDMENT (PAROLE REFORM AND OTHER MATTERS) BILL 2016

*Second reading*

### Debate resumed.

**Mr MORRIS** (Western Victoria) — I would like to resume my contribution to the debate on the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016. Before business was interrupted for question time, the lunch recess and constituency questions, I was making some remarks with regard to the importance of this bill and how disappointing it is that it has taken us this long to get to this point, because two exceptional bills were proposed by the shadow Minister for Police, Mr O'Donohue. Shockingly the government blocked these two important pieces of legislation when they went to the Legislative Assembly despite these bills receiving significant support in this house, where six parties came together to support them. That is something that does not happen terribly often, and this bill was well recognised in this place as an important piece of legislation the government sought to vote down.

It is important that we have appropriate protections, and a strong view has been expressed by the community that they do not feel safe at this point in time as a result of the actions of this government. I believe that the most important role of the government is to provide a safe community for all those who live here in Victoria. This government has certainly failed that test markedly on anybody's reading. There was the repeal of the move-on laws that were desperately needed to ensure that our police could do the important work they do. That was a shocking act by this government and one we are certainly seeing the effects of right now, because we have a law and order crisis here in Victoria not only on the streets but also in our correctional facilities.

Our youth justice facilities have been absolutely trashed by youth offenders. I am not sure if they are 'offenders' or 'clients'. It seems that the terminology is changed on a regular basis by this government, but the terminology does not — —

**Mr Davis** — Convictees.

**Mr MORRIS** — They are convictees. These young people have committed significant crimes, and appropriate action should be taken against them. But what we are seeing from this government is that it has gone soft on crime, and as a result there has been chaos, absolute and utter chaos, in our youth justice system. In

this place today Ms Crozier, an exceptional shadow Minister for Families and Children, asked questions of the minister. I would say the ‘responsible minister’, but I am not sure that is an accurate description of the minister.

**Mr Davis** — Irresponsible minister.

**Mr MORRIS** — Ms Crozier asked questions of the irresponsible minister about what action she is taking with regard to this crisis that she has overseen in her portfolio area. Rather than answering those questions, the minister seeks to attack the opposition. I would like to remind the minister that she is the one that is responsible —

**Ms Shing** interjected.

**Mr MORRIS** — and she is the one that should be answering questions. Thank you, Ms Shing, for your very helpful insight there about my standing in this place.

I note that in the last Parliament we had no crisis in the youth justice system, and that is because we had a responsible minister who oversaw justice in the youth justice system. There was no trashing of youth justice facilities. Indeed what we have seen under this government is that a youth justice facility has to be abandoned as a result of the inept capacity — —

**Mr Finn** — Ineptitude.

**Mr MORRIS** — The ineptitude — indeed, Mr Finn; thank you — of this government is shocking, but I think it has come as no surprise to many in the Victorian community that this is the case. If you go soft on crime, if recidivist youth offenders are not brought to account for their actions, they are going to go and do it again.

*Honourable members interjecting.*

**Mr MORRIS** — Ms Shing and Mr Herbert, I was a teacher in a former life, and I certainly learnt there that with young people it is important to set boundaries. This government has not set boundaries for these people. It is not in the best interest of our community that we have a youth justice system that is in absolute and utter crisis, yet we have a government that is doing absolutely nothing about it. Indeed what they are trying to do is they are trying to point to the opposition and say that it is the opposition’s fault that they have no capacity to control their own portfolio. Well, I think the community as a whole would say to the government, ‘You need to actually do what you’re there to do’, which is to govern for all Victorians and ensure that our

community is kept safe. As I said, that is the most important role of a government, and this Labor government is sorely failing on that aspect.

**Ms FITZHERBERT** (Southern Metropolitan) — I rise to speak on the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016. It is remarkable that today the Andrews government is rushing through legislation that imitates the private members bill that was put forward by the coalition about these issues.

**Mr Davis** — Which they opposed.

**Ms FITZHERBERT** — Which they opposed, as Mr Davis said. They were not willing to support the bill that we put forward. They voted that down, but they will quickly put something up in their own name. It is simply shameless.

This is a very important piece of legislation, and it addresses two issues that resonate a lot in the community. One is the concept of no body, no parole, and the other is the consequence for murdering police officers. These issues are very important to many people, as I said. The issue of police who are murdered while protecting us is something that is very important to the community. There is a reason why the names of so many murdered police remain well known, and it is because people care. They care that police put their lives on the line and often give them in the name of service to others. They are remembered with respect. This legislation is in accord with that respect and the fact that we think it is an enormously serious crime to kill a police officer when they are just simply doing their job of protecting the community.

The other issue that I want to focus on, which is the subject of this bill, is the issue of families who have lost a loved one in traumatic and violent circumstances. They want the dignity of a funeral and a chance to say goodbye, and in the absence of that they are in a simply torturous situation of pondering where their loved one’s remains are and also to some extent, I would think, are wondering about the detail of how that occurred. I simply cannot imagine how awful it would be to be contemplating those sorts of issues. Again the measures in relation to no body, no parole go to the idea of trying to address in some limited way the feelings of those families and the situation that they find themselves in.

As previous speakers on my side of the house have said, we will be supporting this legislation. It relates to issues that we placed on the agenda back in February of this year. The member for Hawthorn in the Assembly at that time spoke of the need for government to introduce

legislation to deal with the then looming question of possible parole for at least one of the individuals who will be affected by the first part of this bill. This will prevent people who are convicted, for example, of murdering police officers, either in the course of duty or in some way connected with their role as police officers, from ever qualifying for parole.

The coalition was calling on the government to do that back in February — 10 months ago — but the Andrews government did nothing. When Mr O'Donohue introduced a private members bill to achieve the same outcome, the government voted to stop that matter proceeding, and in fact Mr Dalidakis said that Mr O'Donohue was grandstanding. He also said, 'This is an attempt to politicise what is a sensitive issue'. Indeed it is a sensitive issue. It is important that this chamber consider it in a sensitive and measured way, and that is an opportunity we were not given some months ago — and if I could say, I consider that to be grandstanding and attempting to politicise a sensitive issue. So today we are here on the last day of the parliamentary year with this fast-tracked bill only because the government refused to act on this earlier when it had the opportunity to do so.

Mr O'Donohue also introduced a private members bill with no body, no parole provisions, which is covered in the second part of this bill, and the government voted that down. The changes in the second half of the bill in relation to no body, no parole are sensible. No killer should expect to be given parole if they refuse to cooperate with authorities to locate the body of a deceased person or the remains of a deceased. This should be law, and it should have been law a lot earlier than now. It could have been our law earlier this year if the government had not been so pig-headed, if they had not grandstanded and if they had not attempted to politicise what is a sensitive issue. I commend the bill to the house.

**Mr FINN** (Western Metropolitan) — It gives me a great deal of pleasure to rise today to speak on the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016. I have to say right at the beginning that it bemuses me enormously that this would have been law months ago if it had not have been for this government playing games.

My view is that this is a very, very serious matter. There are very few matters that are more serious than this, and the government has been playing games with this for most of the year. Mr O'Donohue put forward a bill some three or four months ago, as the house is aware. The government tried very hard in this house to stop it and actually succeeded. It would not even allow

it to be read a first time in the other place. That, to my way of thinking, reeks of political game playing. It reeks of a government that is just refusing to take its responsibilities in this area seriously.

Whilst I welcome this legislation, it is legislation that should have been in place a long time ago. If the government had been serious about its responsibilities, it would have supported Mr O'Donohue's bill. I think this legislation will probably be known as Ed's law from here on in, because that is largely where it came from. This particular piece of legislation is certainly one part of it, anyway. It has been necessitated by the fact that the last remaining of the Russell Street bombers, Craig Minogue, is still in prison, and there is a very real prospect that he could be up for parole in the not-too-distant future.

We remember the extraordinary and tragic events of that day in Russell Street when this creature and his friends took the life of a promising young police officer — a woman with her life ahead of her, a woman who at the age of 21 had barely had time to enjoy life as the rest of us know it. She was cruelly and barbarically cut down by a bomb and killed. The only saving grace was that this Minogue creature did not kill more. That was, to my way of thinking, a totally and entirely despicable frame of mind and indicative of somebody who needs special treatment.

If this crime was committed today, we would call it terrorism. It is safe to say that the Russell Street bombing was Melbourne's first act of terrorism. I am on the record as saying, and I will repeat my views on this now, that for terrorism capital punishment should be reintroduced, not as a form of payback or retribution but as a way of sending a message that we will not tolerate in any way, shape or form terrorism in Victoria.

If I had my way, we would not be debating this bill today because Minogue would have been dead long ago. It is a pity that he is still breathing the oxygen that we have to share with him, but it is important that we keep him in prison. It is important for our society, it is important for our police force, and of course it is extremely important for the family of Angela Taylor, who, I have no doubt, still grieve every day. The pain of having to go through life without their daughter and without their sister must be overwhelming every day. All the possibilities and all the dreams they had for her vanished on that day when that bomb exploded on Russell Street. For those reasons I certainly believe that Craig Minogue, given the system we have, should be in jail for the duration of his life. Mr Morris said earlier that life should mean life, particularly in this case.

We talk about the concept of no body, no parole, and I would have thought that the second part of this legislation was somewhat of a no-brainer. This is something that again was put forward by Mr O'Donohue some months ago. Why the government rejected it then and now brings it forward as its own legislation one can only speculate on. Indeed this government has quite a record of doing things that one can only speculate on. If somebody from the government would like to get up and explain why they rejected this legislation a few months ago and why they are introducing this now, I would certainly be very keen to know, because it does not make any sense to me at all.

What does make sense is that if a murderer knows where the body of his victim is and refuses to tell the police, the authorities or the families of that victim, then they should not get parole. It is a life sentence that they have delivered to the family of their victim, and they too should suffer the same fate. They should suffer a life sentence themselves until such time as they show some remorse by telling us exactly where their victim is so that a proper funeral can be held, there can be some closure for the families involved and the families of those victims can mourn properly. I think it is just human decency. I think out of any sort of respect for other human beings, these people who will not tell where the bodies of their victims are should be in jail for the duration.

It astonishes me that this law was not enacted long ago, but as I said, it astonishes me even more that we had a bill that was passed through this place just a few months ago but the government blocked it in the other place. That is just insane, but I am pleased to see — —

**Mr Davis** — Without debate.

**Mr FINN** — Without debate indeed, Mr Davis. As I said, they would not even allow it to be introduced. It was probably one of the more ludicrous things that this government has done, and God knows there is a list — —

**Mr Davis** — And with the support of the Greens too.

**Mr FINN** — Indeed. As we know, the Greens are not big on law and order. I do not know what position the Greens are taking on this legislation, but it would not surprise me to learn that they are opposing it.

**Mr Morris** — They are agile in their beliefs.

**Mr FINN** — That could be the case, but I think that if the Greens and the Labor Party were serious about

this aspect of the bill, they would have supported Mr O'Donohue's bill back when it was introduced and passed here in this house some months ago but knocked on the head without debate, as Mr Davis says, upon introduction to the other place.

I have no hesitation in supporting this bill today. As I say, my own personal view is that life in jail is too good for Craig Minogue. I think what Craig Minogue did deserves a much harsher penalty. It is regrettable that we are actually debating this section of the bill to keep this swine in custody, because he does not deserve to live in my view.

I will leave it on that note. I wish the bill a speedy passage. I wish the government was a bit more organised in its legislative program. We would not have to rush through this in two days and we would actually have a bit more time to consider the full implications, maybe improve it a little bit, but given that the government has perhaps panicked — and I know that the Attorney-General does do that from time to time, usually with good reason it has to be said — and has rushed this through in the last sitting week of 2016, I hope that this bill is passed. I have confidence that it will be passed and I sincerely hope — the world listens to these words — that Craig Minogue will never see the outside world again.

**Ms CROZIER** (Southern Metropolitan) — I am pleased to be able to rise this afternoon and speak to the Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016. As other speakers have highlighted to the chamber, this is a bill that has been hastily put together and rushed in by the government reacting to a lot of initiatives that the opposition has brought forward. On the last day of sitting before Christmas we are debating this, when it should have been — —

**Mr Davis** — In a panic by the government.

**Ms CROZIER** — Yes, Mr Davis, it has panicked. It should have been undertaken months ago, knowing that Craig Minogue, who is specifically of concern and is the focus of why we are discussing this bill, is having his sentencing and parole components being debated and discussed and knowing what his release might provide to the community. Indeed it is about community safety, and I think it is fairly evident that Victorians have real fears for their safety in relation to law and order because the government has been very slow, I have to say, to react to so many concerns that have been coming forth, whether it is the crime wave that is occurring across Victoria, in all parts of our city and state, or these issues that we are discussing.

As this bill highlights, the main purpose of the bill is to amend the Corrections Act 1986 to provide for a presumption against parole for prisoners serving terms of imprisonment for certain fatal offences where the body or remains of the victim have not been located — no body, no parole — and to amend the Sentencing Act 1991 to permit a court to take such factors into account at sentencing. The bill also seeks to amend the Corrections Act 1986 to tighten the conditions to be met before a prisoner serving a term of imprisonment with a non-parole period for the murder of a police officer can be considered for parole.

As I said, that is the debate we are having now regarding Craig Minogue and the dreadful crime that he was involved in. As others have highlighted, the consequences of the murder of Constable Angela Taylor and, as others have also said, the impact on her family of that heinous crime have been lifelong and will be lifelong, and those are things that you cannot take back. It was under the initiative of Mr O'Donohue that this was actually brought to the fore, and now the government is acting. It was also Mr O'Donohue who actually brought a number of initiatives in relation to law and order where the government has failed. In fact there have been five policies, and as I have already mentioned, they include the no body, no parole provision which this bill seeks to address.

The bill that was introduced by Mr O'Donohue was introduced in, I think, February this year, so almost 12 months ago, and the government is acting now. Shamefully the government, the Greens and the member for Shepparton in the Assembly voted down that bill. That was just an extraordinary account of what the government is doing for such a sensible and reasonable measure that the community actually expects. If someone will not disclose where the body of their victim is, someone that they have killed, murdered or goodness knows what else, how on earth can the families ever reconcile that? I think that is such a reasonable step to take in relation to those people who commit these heinous crimes. If you do not disclose where the body is, then you do not deserve parole; it is that simple. For the life of me I do not understand why the government voted that down. I think it was shameful; I think it just demonstrates their lack of regard.

It really goes to the heart of what this government is about. It is playing catch-up on crime, on law and order issues, the whole time. They are trying to talk tough. They know that the community is concerned — everybody knows that the community is concerned — because of the carjackings, the home invasions and the vision that we have of almost nightly occurrences,

whether it is reckless driving or people rampaging through Officeworks or other businesses with machetes, guns and goodness knows what. The community rightly have concerns, and they are living in fear.

Now the government is reacting, and we have seen that this week, but the sensible bill that Mr O'Donohue introduced almost 12 months ago was voted down by the government, which actually demonstrates that they are not genuine about this. They talk tough, but their actions do not match their rhetoric. We see it so many times, in so many instances in relation to other areas that this government has been responsible for, not only law and order. But there were other initiatives that Mr O'Donohue had brought into the house, such as banning cash for scrap; as I said, keeping Craig Minogue behind bars; giving power to the police to require DNA from suspects; and a specific offence for drive-by shootings.

These have all been reported. Those initiatives are what the coalition and Mr O'Donohue have undertaken, and now we see the government playing catch-up and in a panicked way. It has introduced this bill, and we are debating it at 3 o'clock on the last day of sitting before we rise for some weeks and before, potentially, Mr Minogue might be released. We are very concerned about the government addressing this issue, and any initiatives to improve the safety of the community are welcome. That is why I am hoping that the government, if it is genuine, will actually support the bill that I introduced and second read yesterday in relation to youth parole.

Not only have we got an issue in corrections and law and order generally, we have got a real crisis in youth crime and youth justice. It goes to the heart of community safety and the fact that the community must have confidence in the system. At the moment they do not have that confidence. They can see what is happening because it is broadcast on our news outlets every single night and published in newspapers every single day, and it is getting worse.

Any consideration for the granting of parole should have that community safety element as paramount, so that it is not just a tick and flick and a matter of saying, 'Yes, you've done all these things'. The question of whether the community will be safe if this person is out in the community must be considered. I am hoping, as I say, that the government is not just playing catch-up and that it actually supports and votes for my bill and that it is put into operation. It is another simple measure. It could be done. It is mirroring what is

already happening in the adult correction system, and there is no reason why that cannot occur.

As others have said, Mr O'Donohue has provided significant and excellent leadership in this area. The government has been dragging its feet, and now it is reacting. Certainly it is putting considerable resources into policing, but we are now two years into its term of government. Population in the state has been increasing for the last two years, so naturally you would expect increasing tensions, but the government has not understood the situation. It is reacting now that it sees the community expressing its fear through various ways.

**Mr Morris** — Too little, too late.

**Ms CROZIER** — It is too little, too late, because it will take some time before those police are on the beat. What about all those police stations that have been closed? When are they going to open, when are they going to be resourced and when will they have proper operating hours so that the community can have the confidence to present its concerns to the police?

I know the government talks about issues like family violence and other crimes that are also on the increase, but it is not only about them. It is about giving the police the support that they need, and in the last two years they have not received that support from this government.

**Mr Herbert** interjected.

**Ms CROZIER** — Mr Herbert might be chuckling into his water over there, but let me tell him that the community is not chuckling. They are actually fearing for their safety because of his government's lack of regard. I cannot count the number of people that speak to me, come to my office or just ring me up and ask, 'What are you doing about addressing this crime wave?'. I tell them, 'Well, I'm in opposition, but what I can tell you is what the opposition has done', and they are all in support of it. They were horrified when the no body, no parole legislation was voted down, with the assistance of the Greens and the member for Shepparton in the other place. That was a shameful act.

As others have said, this is about protecting the community, and the coalition will support anything that can protect the community. But I have to place on the record that in regard to anybody who takes a life — kills them, murders them — the legislation needs to ensure that community safety is paramount when the release or parole, whatever the case may be, of these individuals is considered. This particular piece of

legislation goes further in that in the case of a murderer of a police officer, parole will not be granted.

As my other colleagues have stated, the opposition will be supporting the government's move in this regard, but I do want to make it clear that it is particularly dangerous to be highlighting any one particular group in this area. I say again that in the case of the murder of anyone, whether it is a child, another emergency worker, an innocent Victorian or anyone else, the full force of the law should be considered when sentencing of the offender is undertaken.

**Ms TIERNEY** (Minister for Corrections) — I rise on behalf of the government to provide a right of reply on this very important bill. I start by paying tribute to and acknowledging those who have been murdered, particularly those in the police force. I also wish to send my condolences to their families and friends, and also those families and friends of people who have been murdered and it is not known where that person has been left.

The basis of the bill before us today is to support the victims, to actually put the victims at the centre of the legislation before us. We believe this bill deals with very serious matters and that community safety is the no. 1 priority of any government. In relation to the police murderers parole reform, we believe the murder of a police officer is in the worst category of offending and causes significant harm to the community. Murdering a police officer for simply doing their job is a crime that really does shock our community.

The bill does not change or undermine the sentence made by the court or judicial independence. The bill reinforces that parole is a privilege and conditions on release may change from time to time. A safe and functioning society depends upon its police workforce. An attack upon a serving police officer, we believe, is actually an attack on society itself. The new laws send a clear message that the murder of a police officer will not be tolerated and that in regard to persons who commit this crime there should be very strict restrictions on whether they are to be released on parole, if ever.

In respect of the no body cases, the amendments about no body cases are much more comprehensive in addressing the complex and difficult issues raised by no body cases. In fact we as a government have not had a change of heart; we just considered the previous bill brought in by the opposition as deficient and flawed.

The Adult Parole Board of Victoria will now apply a presumption against parole after considering a broad

suite of information about whether the prisoner satisfactorily cooperated in locating the body or remains of the victim and the place where the victim may be found. The inclusion of sentencing amendments along with the parole reforms will provide the greatest opportunity to incentivise offender cooperation and to bring closure to victims' families, which they so rightly deserve.

We make no apologies for restricting parole for these most serious crimes. Strong laws to protect our community are what our community rightly expects and deserves. In terms of the comments that have been made about the timing of this bill, with respect to no body reforms, this government has been considering this matter for some time. A considered approach was necessary to ensure that the reforms were comprehensive and captured all the relevant no body cases that are known. It was also important to the government that reforms in this area provide the utmost respect for victims of crime and do not give false hope to victims' families. The families of deceased victims are rightly entitled to the basic human dignity of a funeral for their loved ones. This bill provides the strongest possible incentives for offenders to cooperate with police to provide the closure that a proper burial can offer.

The government is also introducing parole reforms to ensure that anyone who murders a police officer will not be released from prison until they present no threat to the community. Our police officers risk their lives every day to protect the Victorian community and are entitled to the highest level of protection under Victorian law. This law is a priority for this government, which is why this legislation is being introduced into this Parliament this year and before Christmas.

I refer to a matter that Mr O'Donohue raised: why is it just restricted to police? Why does it not also applying to emergency service personnel and protective services officers (PSOs)? The fact is that there are no prisoners in the system that have committed a violent act against or murdered an emergency service worker or PSO. Having said that, we do understand the very difficult situations faced by emergency service workers in this state. I know emergency service workers — such as ambulance officers and those who work in hospitals — face many difficulties in a range of areas. We as a government are open to having further discussions with those personnel who are at the front line and who are having very difficult times, particularly when members of the community behave violently and leave emergency service personnel mentally and physically affected by inappropriate behaviour.

As the Premier stated on Tuesday morning at the St Kilda Road police memorial, the government is open to having further discussions with emergency service personnel, PSOs and others with respect to what happens in their workplaces and what happens to them in their line of duty, and we look forward to having those discussions across the portfolios. It would obviously impact on and have an effect in the portfolio areas of the Minister for Emergency Services and the Minister for Health, just to mention two — and also of course me. We are looking forward to having those discussions and being able to work through the issues that have been raised with us.

Having said that, I thank people for their contributions today. I would encourage people to support this very important piece of legislation. I commend the bill to the house and hope it has a speedy passage.

#### House divided on motion:

##### Ayes, 33

Atkinson, Mr	Morris, Mr
Bath, Ms	Mulino, Mr
Bourman, Mr	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalidakis, Mr	O'Sullivan, Mr
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Pulford, Ms
Eideh, Mr	Purcell, Mr
Elasmar, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Shing, Ms
Herbert, Mr	Somyurek, Mr
Jennings, Mr	Symes, Ms
Leane, Mr ( <i>Teller</i> )	Tierney, Ms
Lovell, Ms ( <i>Teller</i> )	Wooldridge, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

##### Noes, 5

Barber, Mr	Pennicuik, Ms ( <i>Teller</i> )
Dunn, Ms	Springle, Ms ( <i>Teller</i> )
Hartland, Ms	

#### Motion agreed to.

#### Read second time.

#### Committed.

##### Committee

#### Clause 1

**Mr O'DONOHUE** (Eastern Victoria) — I want to ask the minister just for the clarity of the record: you said in your summation that the government had been considering this legislation for some time. Why the rush to pass the bill through both houses this week?

**Ms TIERNEY** (Minister for Corrections) — I thank the member for his question. The reason we are doing it this week is because Parliament does not resume until February, and it was an opportunity, consistent with a number of other measures that have been announced this week, to get this into Parliament before Christmas.

**Mr O'DONOHUE** (Eastern Victoria) — Why was the bill not introduced during the previous sitting week? Why was it rushed through both houses in one week, which is most unusual?

**Ms TIERNEY** (Minister for Corrections) — Again, I do not believe that it has been rushed through. There has been substantial work done in this area for some time. There was an opportunity to place it before the Parliament in the last sitting week of 2016. Safety in the community is a priority of this government, and that is why we have made sure that it has been done this year.

**Mr O'DONOHUE** (Eastern Victoria) — Again, Minister, in your summation you referred to the private members bill that went through this house as deficient and flawed. How was that bill deficient and flawed?

**Ms TIERNEY** (Minister for Corrections) — In the first instance the opposition put forward a one-man piece of legislation to prevent one of the Russell Street bombers from obtaining parole. The government's bill does not propose to add further names to the Corrections Act 1986 but rather sets up a cohort for whom the presumption should be against granting parole, that cohort being people convicted for murdering police officers.

The government's approach to the no body, no parole legislation, we believe, is significantly broader. It is designed to capture more cases where a victim's family does not know the whereabouts of their loved one's body. It does this by expanding the offences that apply to murder, conspiracy to murder, manslaughter and accessory to murder. The opposition's private members bill only involved murder and conspiracy to murder. The bill is also designed to encourage the convicted offender to assist. It provides incentives for the convicted offender to assist in locating the body sooner by the inclusion of a sentencing provision.

**Mr O'DONOHUE** (Eastern Victoria) — Just a final question in relation to the issues arising from the summation, Minister. You said, and I thank you for addressing this issue in your summation, the government chose the class of murderers as those who had killed a police officer and said there is no-one in prison currently for the crime of murdering a member of the other emergency services, including PSOs. So I

ask: in expanding the scope to include accessory to murder or manslaughter, how many prisoners in jail currently who will be captured by this bill have been convicted for accessory to murder or manslaughter?

**Ms TIERNEY** (Minister for Corrections) — Mr O'Donohue, the latest figures that I have been provided with indicate that there are up to three prisoners in the current prison system for manslaughter, and for accessory to murder there was one but they are no longer in the system.

**Mr O'DONOHUE** (Eastern Victoria) — Thank you, Minister, for that information. Just to clarify, for accessory to murder there are zero and for manslaughter there are three at the moment?

**Ms TIERNEY** (Minister for Corrections) — At the moment.

**Mr O'DONOHUE** (Eastern Victoria) — Yes, at the moment. Thank you. I put this to you, Minister, because it has been put to me and I would seek your response. It has been put to me that a risk in passing this bill is that courts will possibly alter their sentencing practices knowing that people convicted of murder, conspiracy to murder, manslaughter or accessory to murder of a police officer will only get parole in very limited circumstances, and as a result the courts may alter the head sentence given for such a conviction back to what was the non-parole period. As I say, I do not necessarily share this view, but it has been put to me by several people that this will be the case — it will alter sentencing practice to change the sentence given for the non-parole period. As I say, this is not necessarily my view, but I would seek a response from you in relation to that proposition.

**Ms TIERNEY** (Minister for Corrections) — Mr O'Donohue, the advice I received is that this is dealt with in the Sentencing Act 1991, and we are just confirming whether that is part 5. But the answer is no, courts cannot consider parole when setting the sentence. The Sentencing Act prohibits consideration of parole at time of sentencing.

**Clause agreed to; clauses 2 to 5 agreed to.**

#### **Clause 6**

**Mr O'DONOHUE** (Eastern Victoria) — This point relates to a point raised by one of the other contributors during the second-reading debate. With persons to whom this legislation will apply after its passage, I think you said, Minister, that there are seven prisoners that currently are in prison that will fit this criteria. Those who do not have a life sentence are likely to be

released on straight release, given the more stringent requirements for parole. That raises the question of the post-sentence scheme for violent offenders, as recommended by the Harper review. One would imagine that some of these prisoners would fit the criteria that Harper articulated as fitting the test for the post-sentence review. My question is: how many of those prisoners prima facie fit the Harper test for a post-sentence order for violent offences, and when are we likely to see that implemented?

**Ms TIERNEY** (Minister for Corrections) — On violent offenders, the Harper review work will include murderers and other killers, and there will be legislation before this house during the course of next year.

**Clause agreed to; clauses 7 to 11 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## HOUSING AMENDMENT (VICTORIAN HOUSING REGISTER AND OTHER MATTERS) BILL 2016

*Committee*

**Resumed from 6 December; further discussion of clause 1.**

**Ms MIKAKOS** (Minister for Families and Children) — I just want to address the last question from Ms Wooldridge from before we adjourned on Tuesday evening. Having looked at *Hansard*, I just wanted to make one point clearer, if I may. It is in relation to a question from Ms Wooldridge around the changes to the priority access that we canvassed on Tuesday evening. The advice I have is that there is a new category for priority transfers. That relates to people who require urgent relocation to another social housing property if their current property is unsafe, and I canvassed family violence situations in that example. Further to that, it will also cover those whose property is to be sold, redeveloped or better utilised. But what I wanted to make clearer is in relation to those who are aged 55 years and over. That is a new priority group. It does not relate to priority transfers but rather to priority access for social housing. So I just wanted to make that clearer. I just wanted to provide that clarification to the house.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I think then the last question I asked was relevant, rather than not relevant, which is that for very disadvantaged groups, such as people with a mental illness or disability, and given that priority access has now been broadened to include the over-55 group, which presumably will expand the numbers — and it would be interesting to know, if you have the numbers, how many more people will have priority access as a result of that over-55 cohort becoming part of it — how can we ensure that people with a mental illness or disability who already have trouble accessing public housing through this process are not further disadvantaged and actually have more trouble accessing it because there are more priority categories?

**Ms MIKAKOS** (Minister for Families and Children) — I also have further advice that in relation to people with disabilities, national disability insurance scheme clients are now a distinct subcategory in relation to priority access. What I can advise the member in terms of the question she posed on Tuesday around the numbers is that we cannot provide an estimate at this point of the numbers of those aged 55 years and over who would have this priority access because they are yet to be entered into the Victorian Housing Register. Obviously that will occur post this legislation's passage, as it will for all the people over 55 who are sitting on various social housing waiting lists operated by different associations. So obviously that will need to occur over time.

What I can say to the member is that the decision to include people aged over 55 years as a priority access group was made in recognition of this group's increasing vulnerability in the housing market, particularly those who rely solely on Newstart or the age pension. It is for this reason that the Minister for Housing, Disability and Ageing approved this approach as part of the decision to establish the register.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — Obviously the new register does provide an exciting opportunity to get a much better understanding of who is on the register, given it will all be in one place. Is it your expectation or are you able to commit to saying that the government will publish some of those sorts of details, including the numbers of people in the priority access groups, once the list has been established?

**Ms MIKAKOS** (Minister for Families and Children) — I am advised that the waitlist numbers are already published quarterly online, and that will continue.

**Ms Wooldridge** — But what about the details?

**Ms MIKAKOS** — I cannot advise the member of the details that will be published, but certainly the waitlist numbers are published quarterly, and that will continue.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — A question that I raised during the course of the debate was: how often will the circumstances of eligible applicants and residents be reviewed? There is this issue of keeping the list clean.

**Ms Lovell** — Cleansing the list.

**Ms WOOLDRIDGE** — Cleansing the list. Thank you, former Minister for Housing. How do you make sure that residents in public housing still fit the criteria and that their circumstances have not changed? Perhaps in answering how often that will occur you could also describe how that will occur — if it is going to be the same as it has been in the past or if there will be new processes employed.

**Ms MIKAKOS** (Minister for Families and Children) — I am advised that in terms of the ongoing eligibility checks of current applications on the register the process remains unchanged with the introduction of the register and unchanged from the practices of the previous government. When people apply for social housing each household member is required to provide certain information, such as evidence of income and assets, information as to whether they own any property and evidence of their citizenship and residency. While they are on the register the onus is on the applicant and their household to update their application when their circumstances change, and when a household is linked to a support provider the support provider may update their application if their circumstances or needs change.

I am further advised that there is currently a regular basis by which applications are subject to an eligibility review. The processing office contacts the applicant and asks whether any of their application details have changed and seeks proof of income and assets again. When a current tenant is seeking a transfer, sometimes the application will need updated details as well — for example, if they have another child or have a new partner, that information is provided at that point. Essentially there are currently processes by which applicants are required to provide updated information.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — Thank you, Minister. It appears to be business as usual in terms of the processes. There is furious nodding, but gestures do not come out in *Hansard* as well as words.

**Ms MIKAKOS** (Minister for Families and Children) — Yes.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — Minister, one of the questions posed in advance by the shadow minister was about the recent reduction of applicants on the public housing waiting list. It was explained that some applicants were not able to be contacted and some had already been housed, which is presumably an issue that will be solved through this centralised list. Are you able to advise what portion of that reduction belongs to which category and explain why there was such a dramatic reduction in one go?

**Ms MIKAKOS** (Minister for Families and Children) — I am advised that there has been no cleansing of the list, as the member has described. In fact there has been no change to the current policy that existed under the previous government. I outlined to the house earlier the circumstances in which applicants may provide updates of their information, and I further explained the process by which applicants are subject to an eligibility review.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — Minister, I have had advice from the shadow minister that the Minister for Housing, Disability and Ageing actually responded to a question on notice saying that the reductions in the public housing waiting list were in part due to, one, not being able to contact those on the public housing waiting list, and two, the provision of housing to some individuals and families. We seem to have conflicting information. A response to a question on notice provided to this house actually said that there were reductions for these reasons, but now you are saying that there is not. I am just wondering whether we can get some further clarity on that discrepancy.

**Ms MIKAKOS** (Minister for Families and Children) — There is no discrepancy. As I explained, there is an existing policy of doing eligibility reviews, and the minister in his written answer — which I should point out I do not have in front of me — did give an explanation clearly in relation to the details of that policy which go to the matters that the member has just raised. That was the policy as it existed under the previous government, which has remain unchanged, and those are the reasons by which an applicant might well be removed from the list. This is a policy that has existed for some time.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I think I said that the list was down to 36 000 and with the change of government the list is now at 32 000, showing that reduction of 4000. Rather than attributing it to a cleansing but just generally, can the minister say of that 4000 how many are attributable to not being able to contact the applicant and that person therefore being removed from the list and how many are

attributable to applicants being already appropriately housed?

**Ms MIKAKOS** (Minister for Families and Children) — I do not have those details, but what I can say to the member is we are really getting outside the scope of the purpose of the bill by discussing the details of processes that have existed for some time in relation to the eligibility reviews that are conducted.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I have got to say that I think that is very disappointing. These questions were provided on Tuesday to the minister, as the minister requested. There has been plenty of time to try and get from the department the information in relation to that reduction, given that it was also prompted by a question on notice. I think the management of the list is the core premise on which we are debating this bill in the first place. I am wondering if the minister is prepared to take the question on notice, understanding that she does not have with her today the answer to my question.

**Ms MIKAKOS** (Minister for Families and Children) — I guess the fundamental premise here is that the shadow minister, through Ms Wooldridge, is asserting something as fact in relation to a so-called cleansing. As I have explained, the policy remains unchanged and was in fact the policy that existed under the previous government, and I think we should really focus on the details in the bill before us.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — Unfortunately the minister is putting words into my mouth because in fact in the last question I moved on from any language of ‘cleansing’. It is purely the language of the response of the minister to a question on notice about understanding the reduction in the list over a two-year period, and so I ask again —

**Ms Mikakos** — Has Minister Foley used the word ‘cleansing’?

**Ms WOOLDRIDGE** — No, and I have not used the word ‘cleansing’ either. I have moved on from that language. That is what I am saying: I am not talking about cleansing; I am just asking that of the reduction of 4000, in the two years of the government, how many of them are attributable to not being able to contact someone and how many are attributable to the fact that they may already have been appropriately housed? I think this is relevant, because presumably the list going forward will have some benefits of coming together and some of these will be further identified as ways to make sure the list is a genuine list.

**Ms MIKAKOS** (Minister for Families and Children) — I just want to advise Ms Wooldridge around the numbers in what she has been asserting. The advice I have is that on change of government, or certainly around late 2014, there were more than 34 000 people on the waiting list, and the number now sits at 33 073, so I am a bit puzzled by the numbers Ms Wooldridge has referred to. I think she was claiming it was 36 000 and 32 000.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I thank the minister for that clarification. That is helpful. My question still stands for the reduction of 1000. Is Ms Mikakos able to advise how many are from those two categories that the Minister for Housing, Disability and Ageing mentioned in his response to the question on notice? So the two questions are in relation to whether, using the language Minister Foley responded to, that they were not able to be contacted or they were already appropriately housed. I am not sure if that was the minister’s language, but that is what it meant.

**Ms MIKAKOS** (Minister for Families and Children) — The advice I have is that it may not be possible to break down the data into those two categories, but I will take the question on notice and see what data we can provide to the member.

**Ms WOOLDRIDGE** (Eastern Metropolitan) — My last question is just in relation to the expectation of what will happen to the list. Combining the list obviously has a lot of benefits, as we have all agreed. Does the minister expect that by combining the list into one list there would actually be further individuals identified who are double-up applicants who have been counted twice or maybe even three or four times across multiple lists or other benefits? Do you expect that the process of the list becoming one in and of itself would reduce it?

**Ms MIKAKOS** (Minister for Families and Children) — What I can advise the member in relation to the merging of the applications is that no applicant will be disadvantaged through the merging process. There is a dedicated team within the department that is reviewing where applications will be placed on the register. When applications from various community housing organisations are being added to the register, if duplicate applications occur when an applicant is on multiple lists, these will be consolidated into a single application on the register using the most up-to-date application information. In addition, during this period of the merging of applications, where an applicant is found to be already housed in public or community-managed housing the application will be

removed from the register unless there is a legitimate reason for a transfer, such as family violence.

**Ms LOVELL** (Northern Victoria) — The minister referred to a lot of people being removed from the list because they were not able to be contacted by the department. If these people come forth and inquire about their application, will they be reinstated on the list and will that reinstated application be backdated to the date of their original application?

**Ms MIKAKOS** (Minister for Families and Children) — I am advised that the policy remains unchanged from when Ms Lovell was the minister. If a person is able to make contact within the required two-year period and there is no change to their circumstances, then they would be reinstated and their application would be backdated.

**Ms LOVELL** (Northern Victoria) — We currently have a segmented waiting list for public housing. Will we continue to have a segmented waiting list?

**Ms MIKAKOS** (Minister for Families and Children) — We did actually cover these issues at some length on Tuesday, but just to remind Ms Lovell: the segmentation will remain largely the same. However, there are some key changes to priority access that I outlined at some length on Tuesday. We had a number of questions from Ms Wooldridge in regard to that matter.

**Ms LOVELL** (Northern Victoria) — Can the minister outline what each of the segments are, please?

**Ms MIKAKOS** (Minister for Families and Children) — I am advised that the segments are: segment 1, homeless with support; segment 2, supported housing; segment 3, special housing needs, as well as special housing needs aged 55 years and over; and segment 4, register of interests. I understand that the terminology is identical to what it was at the time of the previous government, the only change being that segment 4 was previously referred to as the general wait turn.

**Ms LOVELL** (Northern Victoria) — What percentage of new tenants will housing associations be required to take from segment 1 of the housing waiting list?

**Ms MIKAKOS** (Minister for Families and Children) — I can advise the member that there are matters that are still in discussion with the sector, including the matter that the member has referred to.

**Ms LOVELL** (Northern Victoria) — Minister, I would have thought that that was something that would have been established before bringing this legislation to the house. It is a fairly serious concern about who actually gets access to public housing — whether it will be the most vulnerable or not. Therefore I ask: what percentage of the properties that are owned by housing associations will the housing association actually be required to take the most vulnerable tenants, the segment 1 tenants, into? Housing associations currently have a number of properties where they house people who do not even qualify for the public housing waiting list. What percentage of their properties will they be required to house the most vulnerable in?

**Ms MIKAKOS** (Minister for Families and Children) — I understand the member has essentially asked the same question as what she asked before, but in a different way. I think I have actually addressed that matter.

**Ms LOVELL** (Northern Victoria) — Will there be houses owned by housing associations where they are not required to take people who would currently qualify for public housing as tenants? There are currently people who are housed in housing association properties who would not qualify to be on even segment 4 of the waiting list. Are they going to be allowed to continue to take those tenants into housing association properties?

**Ms MIKAKOS** (Minister for Families and Children) — I did refer on Tuesday to issues around the ongoing consultations with the sector. I point out to the member there has already been extensive consultation with the sector in the development of the framework for the housing register. This occurred through workshops and information sessions right across the state, as well as more formally through the Victorian Housing Register senior leadership group, which includes the Community Housing Federation of Victoria, the Council to Homeless Persons, the Victorian Public Tenants Association and Aboriginal Housing Victoria. I am advised that this particular group will continue to be engaged through the process to support the register becoming fully operational and will go to issues such as that posed by the member.

**Ms LOVELL** (Northern Victoria) — It seems that we are putting the cart before the horse here; we are introducing legislation for something about which there is very little known. This is a serious issue because this is about housing the most vulnerable people in Victoria. Minister, will tenants have the choice to nominate only to be housed in public housing, or will they have to take pot luck as to whether they get a public housing

property or a housing association property when they register on the segmented waiting list?

**Ms MIKAKOS** (Minister for Families and Children) — I am advised that there will be a choice for tenants.

**Ms LOVELL** (Northern Victoria) — Minister, can you tell us if there is any plan to align the rent for public housing and housing association properties?

**Ms MIKAKOS** (Minister for Families and Children) — I am advised that there will be no change to the rental policy.

**Ms LOVELL** (Northern Victoria) — Minister, just finally, is there any proposal to change the current qualification criteria to access public housing — that is, the eligibility criteria, such as whether they have to have a certain income level or less than so many assets?

**Ms MIKAKOS** (Minister for Families and Children) — I am advised that the eligibility criteria for the register is a consolidation of existing policy settings for public and community housing.

**Ms LOVELL** (Northern Victoria) — Therefore can you advise us what the increased burden will be on those who are accessing public housing? What will the new qualification levels be?

**Ms MIKAKOS** (Minister for Families and Children) — I am advised that, as the member would know, income and asset levels depend on each segment. I am further advised that all the details of this are published online.

**Ms LOVELL** (Northern Victoria) — They have been published online for what they are now for public housing. You just said there was going to be an alignment of them, so I am asking what the changes are with that consolidation — I think that was the word you used — of the criteria for public housing and the criteria for community housing. What difference is that going to make to the criteria for public housing?

**Ms MIKAKOS** (Minister for Families and Children) — I am advised that the eligibility criteria are as per those set out for the interim housing register. That is already in place. The eligibility as part of this consolidation that has occurred will be relevant depending on the segmentation — that is, the segment that the applicant is eligible for. For example, if they are eligible for segment 1, the homeless category, the eligibility criteria would be the same whether they are applying to be housed in a public housing property or a social housing property.

**Ms LOVELL** (Northern Victoria) — Obviously you do not know what the eligibility criteria will be. I did not ask whether it would be the same for the properties. I asked what it would actually be.

Minister, you have just told me that you do not know how many properties will be available to be rented to the most vulnerable, you do not know the percentage of the most vulnerable who will get access to the available housing and you do not know the impacts of the changes to the eligibility criteria on the most vulnerable. I would say that that is pretty concerning, given that these are some of the lowest income people in Victoria who get access to public housing.

This government has brought this bill to the house before it is ready to be open and transparent with the opposition, with the Victorian people and with those vulnerable people who need access to public housing. It is extremely disappointing, and it is also disappointing, Minister, that for every question you needed to go to the box. You need to be better briefed next time.

**Ms MIKAKOS** (Minister for Families and Children) — Quite the contrary, Ms Lovell; this is something that you promised. You promised that you were going to do this before you came into government, and for four years you did nothing to address this particular issue.

**Ms Lovell** interjected.

**Ms MIKAKOS** — Ms Lovell is now saying she did not promise to do it. Ms Lovell, for four years you failed to take action on this matter. We are working through these issues with the sector. It is an opt-in system, and obviously the housing associations are important players in this conversation. Perhaps you might prefer a totalitarian approach whereby they are brought into the fold, but we are working through these issues cooperatively, and I think the housing minister is doing an outstanding job to address all your failures for four years. It is really disappointing that you want to use this debate and the committee stage in particular, which is intended really to be a serious examination of these issues, to editorialise.

In fact I have a copy here of *Hansard* from 21 December 2010 in which you said:

The Baillieu government will provide outcomes for clients with high needs more quickly by expanding the options available through a common housing register.

You seem to have forgotten that you made that statement, Ms Lovell.

We are dealing with all the cuts that you made as minister and we are dealing with the cuts from the federal Liberal government.

**Ms Lovell** — On a point of order, Deputy President, the minister is misleading the house. There were absolutely no cuts made in public housing. In fact there was an increase in funding made available through the consolidated revenue, which had never happened in at least 30 years.

**The DEPUTY PRESIDENT** — Order! Ms Lovell is debating; there is no point of order.

**Ms MIKAKOS** — The family violence royal commission outlined that the last government made cuts of \$330 million to public housing and investment in acquisitions and renewal fell from \$462.8 million in 2009–10 to \$131 million in 2014–15. This is in the family violence royal commission report.

**Ms Lovell** — On a point of order, Deputy President, the figures that the minister is quoting just reflect the finishing up of the stimulus package from the global financial crisis, and there were no cuts made under me as minister.

**The DEPUTY PRESIDENT** — Order! Ms Lovell is debating again. There is no point of order.

**Ms MIKAKOS** — I think we have had a good examination of the bill so far, and I know Ms Lovell is desperate to protect her legacy. All I can say is it is very telling why you sit on the back bench, Ms Lovell.

**Ms Lovell** — You are a disgrace. You are a grub.

**Mr Melhem** — On a point of order, Deputy President, I think Ms Lovell needs to withdraw.

**Ms Mikakos** — On a further point of order, Deputy President, I will ask the member to withdraw that comment. I take offence to Ms Lovell's comment. I do ask her to withdraw it.

**The DEPUTY PRESIDENT** — Order! On the first point of order from Mr Melhem, there is no point of order because the minister herself is here and she has taken a point of order herself. I ask Ms Lovell to withdraw the comment.

**Ms Lovell** — On the point of order, Deputy President, I am sorry, I cannot withdraw the truth.

**The DEPUTY PRESIDENT** — Order! I give Ms Lovell one more chance to withdraw.

**Ms Lovell** — I withdraw.

**Ms Wooldridge** — On a point of order, Deputy President, I just think it was an unfortunate exchange where the minister at the table lost her cool and made some statements in regard to Ms Lovell that were absolutely unnecessary and not in keeping with what has been a good debate in terms of the committee. I think it was unfortunate that the minister was so provocative in her comments.

**The DEPUTY PRESIDENT** — Order! There is no point of order.

**Clause agreed to; clauses 2 to 11 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## FAMILY VIOLENCE REFORM IMPLEMENTATION MONITOR BILL 2016

*Second reading*

**Debate resumed from 24 November; motion of Ms MIKAKOS (Minister for Families and Children).**

**Ms SPRINGLE** (South Eastern Metropolitan) — I rise today to contribute to the debate on the Family Violence Reform Implementation Monitor Bill 2016. The Greens strongly support the government's efforts to implement the recommendations of the Royal Commission into Family Violence. Implementing these recommendations represents a catalyst for the deconstruction of a toxic culture that is deeply embedded within the psyche of our nation, a culture that finds its root causes in the power imbalance between men and women.

It is deeply reassuring that this bill is presented to the Parliament for consideration today, as it indicates a milestone in the progress of dismantling what has become a national epidemic. We are dedicated to ensuring that each of the 227 recommendations are implemented in full in the spirit of the commission's intentions. In particular we want to ensure that the 119 recommendations that are expected to be implemented within the first 12 months are delivered on schedule.

But we do have two questions in relation to this bill, and I would appreciate it if the minister would address these in his summing up. The first is around the relationship between this bill and the recommendations of the royal commission, specifically recommendation 199. We would like some clarity as to the relationship between the monitor and the proposed independent family violence agency and perhaps the other agencies that are involved in the implementation process.

The second question we have is: given the magnitude and grave importance of instigating the culture change necessary for these reforms to be effective, we would like to know why the government has chosen not to make experience in the family violence sector a prerequisite qualification for the family violence reform implementation monitor. It is not a stretch to suggest that there are complexities in the area of family violence that may be overlooked by someone without expert knowledge. It takes an experienced eye to identify opportunities in order to maximise them and effectively and efficiently counter potential problems when implementing this level of reform. I would be very appreciative if the minister could provide answers to these questions in summing up.

The Greens support this bill in principle. The detail of the bill, specifically the transparency around reporting and the independence protections given to the monitor, are welcome. The monitor is a crucial component of a stable and certain governance structure to support action on family violence.

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak to the Family Violence Reform Implementation Monitor Bill 2016. Following on from the Royal Commission into Family Violence report in March of this year, one of the key recommendations was that an independent monitoring authority be established to report on the implementation of the commission's 227 recommendations and the statewide family violence action plan.

This bill relates to the establishment of a monitoring system via a truly independent statutory authority. The monitor will be appointed by the Governor in Council, will report directly to Parliament and may only be removed from office on the resolution of both houses of Parliament. To ensure a wide publication and readership of their reports they will not only be tabled in each house of Parliament but also published online. This will empower and provide the incumbent with the knowledge that their role will be transparent and independent, and this is very important. It will be a requirement of the implementation monitor to produce

annual reports by 1 November each year for four years, starting in 2017.

The Andrew's Labor government is not giving lip-service to this powerful community scourge; it is endeavouring to ensure that the royal commission's recommendations are given teeth by establishing an independent government entity whose primary purpose is to monitor and identify leading agencies and the progress to date of the implementation of the recommendations of the royal commission.

This bill is a first for Victoria. It establishes the family violence reform implementation monitor, whose job it will be to hold government to account for delivering reforms that protect victims and hold perpetrators to account, with responsibility for monitoring the implementation of all 227 recommendations made by the royal commission. The scope of the implementation monitor will include communities such as Aboriginal communities, culturally and linguistically diverse and faith communities, LGBTI people, people with a disability, children and youth, seniors and people in rural and regional areas. The monitor will uphold the emphasis and importance of the royal commission's recommendations to ensure the recommended reforms to systematic family violence are not ignored. It is not a flash in the pan or a political stunt engineered to solicit votes.

The implementation monitor will be empowered to have access to all information necessary to perform their functions and activities. These very significant powers include the right to compel information from government agencies and to enter agency premises. In addition, these powers will override legislative limitations on the disclosure of information, including relevant privacy and secrecy provisions. However, they are subject to safeguards to protect the privacy of individuals. All relevant authorities and agencies are in accord with this innovative strategy, and so on behalf of all Victorian domestic and family violence victims I commend the bill to the house.

**Ms CROZIER** (Southern Metropolitan) — I am pleased to be able to rise this afternoon to speak to the Family Violence Reform Implementation Monitor Bill 2016. I must admit that I was not expecting this bill to be on so quickly, but I am very pleased that I am here and able to speak to it. This bill goes to part of the government's plans to implement all of the recommendations of the family violence royal commission.

As colleagues and members will be aware, the report of the Royal Commission into Family Violence was

delivered in March of this year and makes 227 recommendations. One of those recommendations, recommendation 199, is for the establishment of an entity to monitor the implementation of the royal commission's action plans and also to report on the implementation of the royal commission's recommendations. Hence this family violence reform implementation monitor is to be established. The implementation monitor is modelled on the bushfires royal commission implementation monitor, which was put in place following that royal commission to ensure that the recommendations that had been made through that royal commission process were actually implemented.

The bill not only establishes the position of the family violence reform implementation monitor, it also provides for the functions, powers and duties of the monitor. They are fairly specific, but the monitor can look to a body or an agency to ensure that those recommendations are undertaken as per the plan. As we know, the government has already allocated some \$572 million in the budget towards the implementation of some 60-odd recommendations.

**Mr Jennings** interjected.

**Ms CROZIER** — I thank Mr Jennings for that clarification. I was just checking my notes. I thought my memory served me correctly.

**Mr Jennings** — It did.

**Ms CROZIER** — That has been allocated for the first 60-odd recommendations of the Royal Commission into Family Violence. I suppose I would have liked to think this monitor was in place, because we have already started the process. I hope Mr Jennings will be able to clarify a couple of points for me. The Premier's office did give me some responses, which I was very grateful for after receiving a briefing from them, but I would also like to just ask Mr Jennings to confirm for me some points in a couple of other areas.

The bill itself talks about the responsible minister. When I asked in the briefing who the responsible minister was to be, the departmental officers could not provide me with an answer at the time, but they did come back to me and said that under the implementation monitor legislation as it has been introduced it will sit under the Premier in the general orders, so therefore it is the responsibility of the Premier. But I have subsequently heard Mr Jennings say that in fact it is him who is the responsible minister.

**Mr Jennings** — I will clarify that for you.

**Ms CROZIER** — If Mr Jennings could just clarify that when summing up, rather than going into committee, that would be most helpful. That would clear that up for my purposes. I thank the minister.

There were a couple of other points that I also raised in that briefing about the reporting, which is to be on 1 November each year. I noted during the briefing that the monitor is to prepare implementation reports as at 1 November 2017, 2018, 2019 and 2020 but that in November 2018 we will be in caretaker mode in the lead-up to the next election, which is two years away of course. The clarification I received from the briefing was that as the Parliament will have expired by 1 November 2018, the monitor will table its 1 November 2018 report in Parliament when the new Parliament is constituted. I ask that Mr Jennings also confirm that that is correct.

**Mr Jennings** interjected.

**Ms CROZIER** — I thank Mr Jennings very much. I would be very grateful. I can see him nodding over there in answer to my question.

I had some other queries, and as I said, the Premier's office came back to me and provided that information to me. I hope the monitor will be independent and that he will not be directed by any ministerial advice or direction. I know Mr Tim Cartwright, who is very highly regarded in Victoria Police for his work there, was appointed on 1 September as implementation monitor.

**Mr Ondarchie** — A good man.

**Ms CROZIER** — He has excellent credentials. He is a former deputy commissioner of police. I have no doubt that he will undertake his duties with great authority and that he will want to do as much as he can in overseeing the implementation of the royal commission's recommendations. It is certainly my understanding that Mr Cartwright also had a great interest in family violence when he was in the police force and that he worked very closely with governments, both the current and previous governments, in relation to this issue. And all governments, I am pleased to say, want to see a reduction in family violence. I am pleased that everyone, from the Prime Minister down, is taking this issue very seriously. It is an issue that is being addressed by governments of all persuasions.

I am very pleased that our coalition government followed on from the Bracks and Brumby governments and their commencement of dealing with this issue, and of course now the current government has had the royal

commission, which has made a very large body of recommendations. I believe there needs to be some more scrutiny over some of them, and I have said that in the past. We will see how that goes.

There are some concerns being raised by a number of people in relation to the priorities of the government, and I am hoping that the implementation monitor will be able to clarify some of those concerns of stakeholders and others about the priorities and what needs to be undertaken, rather than just putting out announcements in budgets and saying, 'This is what we are doing'. As I said, \$572 million is a huge amount of money to look at implementing 60-odd recommendations without having a strategic or prioritised approach.

I am pleased that Mr Cartwright will be overseeing this implementation, and it will be interesting to see what is put in place and how it is done. There are many questions about funding aspects and what will be required, and some very big and difficult logistical issues have arisen out of the royal commission's findings. I know Mr Cartwright will be taking up his role with great diligence and great commitment to ensure that that is undertaken.

I am looking forward to hearing what Mr Jennings has to say on behalf of the government, but obviously the opposition is not opposing this legislation. We regard this as important and look forward to hearing from him. We will watch with great interest how the family violence royal commission's recommendations are rolled out and undertaken, how those priorities are set and whether any questions that arise during Mr Cartwright's oversight will be taken on with great regard by the government as well.

**Mr RAMSAY** (Western Victoria) — I am pleased to be able to make a contribution to the debate on the Family Violence Reform Implementation Monitor Bill 2016. I congratulate Ms Crozier for her very detailed and well-researched contribution to the debate on this very important bill. I want to make a very small contribution, but I am also happy to help the government out in filling up some of the afternoon until the messages come from the other place by expanding a contribution that I was going to make quite short into one that might actually be of some length. Of course that will be up to the whip. I seek guidance from her about when she wants me to stop contributing.

There are a lot of areas that I would like to cover that perhaps have not been covered during the day but might have some small connection to this bill. But I am certainly not going to belittle or disrespect the

importance of this bill, because it is very important. I congratulate the royal commission on the work that it did in making its 227 recommendations. My understanding is that this Family Violence Reform Implementation Monitor Bill is in response to recommendation 199.

**Ms Crozier** — It is recommendation 199.

**Mr RAMSAY** — Yes, that is what I said. Thank you, Ms Crozier. I do not need such guidance.

We are not opposing this bill, but I want to raise some points for clarification, I guess, in relation to some of the detail of the bill. The other contributors to the debate have gone to some length to provide some of the background to the bill. We now understand the responsible minister may well be the Special Minister of State, but no doubt he will clarify that in his response.

The Royal Commission into Family Violence reported on 29 March 2016 with 227 recommendations to government on the reform of the family violence system, which I think I tried to say just previously. The royal commission recommended that an independent statutory entity be established to monitor and report on the implementation of the commission's recommendations and on the recommended statewide family violence action plan. The bill establishes the family violence reform implementation monitor to hold the government to account for delivering the reforms that protect victims and hold perpetrators to account, with responsibility for monitoring the implementation of all 227 recommendations made by the royal commission.

I do not intend going into all of the second-reading speech but just want to highlight some areas of concern in relation to this bill. Clause 5 provides that the minister must publish the implementation plan and any amendments or variations on the department internet site. I do not have an issue with that.

Clause 13 provides that the monitor has complete discretion in respect of the content of each implementation report; however, it is subject also to the general direction of the minister in respect of the monitor's functions, powers or duties. In one area they are talking about independence of the monitor, and in a second area they are talking about the powers of the minister, so I will be interested to hear perhaps in the committee stage exactly the balance the government is seeking in relation to how independent that monitor will be, if in fact he — as we know it now — is to be directed by the minister and whether in fact the minister

will use his powers to direct the monitor in relation to how the implementation report will be managed. I assume we will get the opportunity to perhaps raise that with Mr Jennings through the committee stage.

**Mr Jennings** interjected.

**Mr RAMSAY** — We are not having a committee. Well, I will have an opportunity perhaps to raise that with Mr Jennings directly.

Clause 14 sets out the functions of the monitor, including monitoring and reviewing agencies, as to the implementation that they would be responsible for. I may as well work my way through as if I am actually in the committee stage now, just highlighting each clause if we are not going to get that opportunity to do it through a committee stage.

Clause 15 provides that the minister may request any information from the monitor relating to implementation actions carried out in response to the Royal Commission into Family Violence recommendations. Clause 15 states the monitor must comply with a request by the minister to provide advice on any issue relating to implementation plans. I am interested to know — and we may well not get an answer now — what the action is if there is non-compliance in relation to that clause. I expect someone else in another contribution may be able to provide a response to that.

Clause 23 requires the monitor to prepare implementation reports as at 1 November 2017, 2018, 2019 and 2020. I did not hear all of Ms Crozier's contribution, but I would expect her perhaps to have raised concerns around November 2018, when the government may well be in caretaker mode. The timing may well not be right, and in fact it may well be very convenient for Labor during an election campaign to use the reporting process during that time.

As I said, the Family Violence Reform Implementation Monitor Bill is in response to recommendation 199 of the royal commission. It is modelled on the bushfires royal commission recommendations and the implementation monitor being placed to oversee the recommendations of that royal commission. On 1 September Tim Cartwright, a former deputy commissioner of police, was appointed to the position of implementation monitor. Again I seek some assurance that in fact there will be some independence between the monitor, Mr Cartwright, and the minister himself, which I assume will be Mr Jennings. No? He is nodding his head. We will wait to hear who that might be.

This is catch-up legislation modelled on the learnings from the bushfires royal commission, which was as we know to install the implementation functions and recommendations as soon as possible. Accordingly we will not oppose the bill but point out that the office of the monitor has questionable independence, as I have raised — and I hope Mr Jennings will see fit to perhaps quell my concern in relation to that area — and could act as a government buffer for real scrutiny of the implementation recommendations. We hope that is not the case, and again I hope to get some confidence from Mr Jennings that in fact there will be a very clear line between the independence of the monitor and the fingerprints of government through the minister, whoever that minister might be.

**Mr JENNINGS** (Special Minister of State) — Part of my responsibility in the next few minutes will be to sum up the importance of the role of the implementation monitor, family violence, which is established by this piece of legislation in accordance with the recommendations of the Royal Commission into Family Violence that the Andrews government commissioned to provide for the appropriate independent scrutiny and authority of evaluating the effectiveness of the implementation of each and every one of the 227 recommendations that the royal commission made on behalf of the Victorian community in the name of making profound and lasting change to relationships within this state — respectful relationships that empower women and children at a time of crisis — and, in terms of the restoration of their quality of life, to drive reforms that make sure that our emergency response system, our court system and our police system meet the demand pressures that we have to deal with in terms of the emergency response to urgent need.

Whether that be in housing, emotional support or perpetrator accountability frameworks, there is a vast array of better programmatic outcomes and government resources being allocated to try to make sure there are better pathways of support and better programs designed to prevent family violence occurring in the first instance, to raise the community's understanding and appreciation of these issues and to drive cultures in our schools, in our workplaces and in our sporting institutions to understand the way in which respectful relationships and respect for women and for the rights of children will protect and mitigate against family violence occurring in the future.

That is our ambition, that is our intention and that is the spirit in which the royal commission made its recommendations. The Andrews government said even before the royal commission had completed its work

that we would implement each and every one of those 227 recommendations. We did not even know that there were going to be 227, but we made a commitment to implement all of them. We will account for all of them. The implementation monitor, established under this piece of legislation, will provide the appropriate independent scrutiny and evaluation to give the Parliament and the people of Victoria confidence that we have risen up collectively to meet our obligations to deliver that raft of reforms.

Within the rhetoric that Mr Ramsay may be concerned about, the rhetoric of independence, where he particularly draws attention to a number of clauses that relate to opportunities for the minister to direct in certain circumstances the implementation monitor to undertake some specific work, let me make it crystal clear that the responsible minister for this piece of legislation will be the Premier. The reason why the Premier is the minister responsible for this piece of legislation is that he will not be taking responsibility in a line agency management sense for any of the direct ministerial or departmental activities that actually occur in the name of the recommendations.

Some people have speculated about what my role may be in this piece of legislation. It is intended by the government that I will play a role in some of the line responsibilities of ministers to departments and to agencies in taking responsibility for the information gathering and the data collection that will play a role in the coordination of activity across government. In terms of the day-to-day management of departmental and agency activity and the whole-of-government effort to make sure that we implement the recommendations, I will be one of the ministers who will take responsibility for that functional activity. Therefore it would have been seen to be a conflict in terms of ministerial responsibility if I had been the minister responsible for this piece of legislation. The Premier will be the designated responsible minister for this piece of legislation.

The directions that the minister, therefore the Premier, may give the implementation monitor are consistent with the head of power that was provided for under the bushfires royal commission in relation to clause 15, which is a specific power that allows for a request for additional information or additional in-depth scrutiny by the implementation monitor about any particular aspect of the performance of agencies in their delivery of the recommendations of the commission. It may cover the scope and the interconnectedness of the effect of those services. It may actually be asked to make a comment on the governance and the accountability framework that applies within a department or an

agency that may be associated with the implementation of that recommendation. It effectively provides for a request to the implementation monitor to dig deeper in a particular area to give us a sense of the effectiveness of the interlocking elements that run across the implementation of those recommendations to actually see whether any lessons can be learnt in the implementation and to then enable government action to take place close to real time by enabling the implementation monitor to dig deeper than what would normally be just an annual accounting of how those programs are running.

That is the intention with which that ministerial directions power would be provided. The government believes that that is the scope and intent of the power that was embedded within the bushfire royal commission's recommendations in relation to the monitor role under the bushfires implementation monitor legislation, and that is the way in which the government intends to use the ministerial directions in clause 15 of this bill.

As members of this chamber understand, in fact we have had a bit of a reminder of the initial investment of our government, the \$572 million that was allocated across the breadth of immediate responses, for implementing these recommendations. We have subsequently, in the last two weeks, launched a 10-year action plan that the government has used as a visioning document to make sure that we account for the implementation of the recommendations. As I have just indicated and outlined to the house, it will see the establishment of new agencies and new entities that will be responsible for various aspects of the work, ranging from prevention activities to data agencies that will share information across the support network. It will involve the establishment of a coordination agency and a function that will look to the way in which we make sure that various departments, funding arrangements, non-government sector relevant agencies and the community work together to try and deliver on the rollout of our responses in a coordinated and effective way. It will make sure that we do not have gaps in the pathways of care and support for victims, survivors of family violence and women and children who need support to be tailored around their individual needs.

So we will be wrapping services around those needs in terms of victims' interface with the police system, the justice system and the housing system. This includes emotional support for victims and contributing to their wellbeing. We will be providing opportunities for women and children to rebuild their lives to find secure housing, employment pathways, education pathways

and emotional support. These services should be personally tailored in a responsive way, and they should wrap around the needs of women and children in this state as those needs become urgent. Providing the information that is relied upon by all of the support workers who operate in the field is an essential coordination task that needs to be undertaken.

I highlight this because Ms Springle asked this question: how do aspects of this work relate to the independent scrutiny of the monitor? The monitor will be looking at the effectiveness of what I have just described. In relation to those interconnective responsibilities, there will be a designated responsibility within government to make it happen, and then the work will be independently accounted for by the monitor. The monitor will then independently assess whether that work has been done well or not. The monitor will then report on an annual basis to the Parliament, to the Victorian community, on the way in which we are being effective in the implementation of that work. Then, as I just reminded the chamber a minute or so ago, there is an additional ability under the act for the minister, who will be the Premier, to say to the implementation monitor, 'Based upon what you have seen in terms of the effectiveness of how that work is going, what reforms or further reforms or priorities should we make in the running of the monitor to actually improve our performance?'

The second question that Ms Springle quite appropriately asked was: what is the expertise of the implementation monitor, and what is the knowledge base by which it is appropriate to make those assessments? It is a very good question that she asks. Should there be any expectation of a responsiveness towards particular needs, directed through a prism of respect, regard and knowledge of family violence and its various permutations in terms of the service network? Can I suggest that the history of the appointment of the implementation monitor comes from a very strong recent pedigree in Victoria Police that goes back to the time of Christine Nixon and Simon Overland in particular, and more recently Ken Lay, Tim Cartwright and Graham Ashton.

Tim Cartwright was one of the prime movers within Victoria Police in this area. He recognised through his responsibilities that there was a need for the police to make family violence a priority of policing activity. Over the trajectory of those police commissioners that I referred to, of which Tim Cartwright was one, there was an increasing recognition of the importance of police activity being responsive to domestic violence and family violence and of the need to make it a prime feature of workforce development practices and protocols within the police force, of the need to

appreciate the significant alignment of family violence instances in our community as an indicator and an escalator of the crime profile of our community and of the need to make sure that there is a culture within Victoria Police that recognises the significance of family violence within the crime profile of the state. I think in terms of a professional commitment there is an expertise in this area, and I have great confidence that Tim Cartwright is actually able to undertake that work.

That does not mean that the Victorian government is blind or deaf to the experience of victims of family violence. In fact in terms of the engagement that we have seen through the role of the Victim Survivors Advisory Council and the Family Violence Steering Committee we are making sure that victims and survivors of family violence, through their personal experience, ground the truth of our reforms. They are an essential building block of the design and implementation of the reform agenda. Also, whether through practitioners from specialist family violence services or people who have worked in family violence practices across universal services, we are calling upon such expertise in the design and the implementation of each and every aspect of this work.

Including the participation of victims, survivors and the sector itself is a fundamentally important component of making sure that we do not have a blind spot in our consideration of this issue. That will continue to be a feature of the design and implementation of every activity that we do on this issue. When we have developed the safety and support hubs, the people who work in them will have intimate experience of responding to emergency situations, whether it be through prevention or early intervention. They will bring their discipline and their knowledge to bear in everything that we design and implement.

I have great confidence that we will achieve this outcome. The implementation monitor will play an extremely important role in the reporting time frames. I would not be at all concerned if I was not a member of this Parliament about the quality of the work that Tim Cartwright will be undertaking. There is no contrivance in relation to the reporting time lines. The report will be released as of 1 November, and it will be available to the Parliament at the earliest opportunity following an election.

I believe that I have answered all the questions that have been asked of me, and I recommend the bill to the house.

**Motion agreed to.**

**Read second time; by leave, proceeded to third reading.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## ADJOURNMENT

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

That the house do now adjourn.

### **Macedon district roads**

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Roads and Road Safety, and it is regarding the terrible condition of many roads, both council and state maintained, across the Macedon electorate. My request of the minister is that he make a priority allocation of funding to VicRoads for maintenance and improved safety on roads in the Macedon area that are maintained by VicRoads, and that he also make a priority allocation of funding to local councils to allow for maintenance and improved safety of roads maintained by local councils.

I have had contact from a number of constituents in the past week or so regarding the poor and dangerous condition of roads across the Macedon district. Specific locations of potholes and other road hazards include one on the Calder Highway, the M79, near the Campaspe River bridge. The road has been spot-fixed, but the constituent is convinced this will not last. She said it has never had a proper repair. Also on the Calder Highway, from the raceway to Woodend there are significant potholes, which caused enough damage to a constituent's car that both front tyres needed to be replaced. Another hazard is on the Bacchus Marsh-Gisborne Road, the C704, beyond Bullengarook, where the ridge is very narrow with no shoulder and it experiences very heavy traffic. On the stretch of the Daylesford-Malmsbury Road, the C316, near where the road is entered from Kyneton there was a fatality on 8 November. Also, Mahers Road in Lancefield is a local government road which is riddled with potholes.

As with the many, many other road issues I have raised with the minister in recent weeks, the road issues raised by the constituents of Macedon are both dangerous to road users and causing significant damage to vehicles, at a cost to owners. One constituent who contacted my office said that she had just come back from Europe and that even though it was their winter — with all kinds of rain, snow et cetera — the roads were in superb condition. She said it really put into perspective

exactly how poor the condition of northern Victorian roads are.

I have also had contact from a number of motorbike riders particularly in this area who talked about the condition of the roads and the dangers they pose to bike riders, which they say are worse than for cars. If a bike hits ridges in the road, or a dangerous or pothole-ridden stretch of road, the handlebars actually vibrate. They go into what they call tank slap, where the handlebars vibrate so much they hit the petrol tank. They can be wrenched out of the rider's control and send the rider into the oncoming traffic or, indeed, tip them off the bike. It is a very, very dangerous situation for motorbike riders.

My request of the minister is that he make a priority allocation of funding to VicRoads for maintenance and improved safety on roads in the Macedon area that are maintained by VicRoads, and that he also make a priority allocation of funding to local councils to allow for maintenance and improved safety of roads maintained by local councils.

### **Santa's flight path**

**Ms PATTEN** (Northern Metropolitan) — My adjournment matter is somewhat urgent. It is for the Premier, and it comes from a young member of my electorate. He is very concerned about the safe travels of Santa across Victoria in late December. The weather is clearly becoming more unpredictable because of the effects of climate change. As a result we are seeing hotter days, storms coming from nowhere — it is like Mongolian soup sticks out there sometimes — and a threat of both bushfires and floods. My young constituent is very worried that it is getting harder for Santa to plan his trip throughout Victoria on Christmas Eve due to these volatile weather conditions. I have even heard that there are reported cases of reindeer having hayfever, which I am most disturbed about.

I note that in Northern Metropolitan Region we have two major offices of the Bureau of Meteorology, one in Docklands and one on Truck City Drive in Campbellfield. The action I am seeking — and I think this is really for the Premier — is that the government liaise with both the Bureau of Meteorology and Victoria's air traffic controllers to ensure that Santa is receiving up-to-date meteorological and proper flight information as he travels across the state on the night of the 24th and the early morning of the 25th of December. My young constituent would be very pleased to hear if the Premier could ensure that he is in contact with Santa and the meteorological departments are providing adequate information.

**Mr Finn** — On a point of order, Acting President, I urge you to rule that matter out of order. That is clearly a federal matter, as we are talking here about both meteorological aspects and aviation. They are clearly federal matters, and this house is no place for discussion about them.

**Mrs Peulich** — On the same point of order, Acting President, while I concur with my parliamentary colleague Mr Finn, I would also like to raise the point that I do not believe it is an appropriate matter to be raised by the Sex Party.

**The ACTING PRESIDENT (Mr Melhem)** — Order! You can tell it is the festive season — that it is Christmas — already!

**Ms Patten** — On the point of order, Acting President, I would have to say that I hope the Premier would have consideration for, and I believe that he should have consideration for, the safe travels of Santa in the state of Victoria. While this may be federal airspace, I would like to think that the Premier would take an interest in the safe travels of Santa. I would have to say that the matter Mrs Peulich raised is not a point of order. Why would the Sex Party not like Santa or Christmas?

**Mrs Peulich** — You do not like anything to do with religion.

**Ms Patten** — I love Christmas, and I do think that it is a lovely celebration of family. It has nothing to do — —

**The ACTING PRESIDENT (Mr Melhem)** — Order! I think we have had enough debate on the matter. While I do not believe it would fall under the pure jurisdiction of an adjournment matter, I think now it has been fairly debated. As it is in *Hansard*, it will be referred to the Premier, but my understanding is that Santa has the ability to travel under all conditions anyway — sun, rain or whatever weather — so he does not need any help.

### Sunbury rail line emergency access

**Mr FINN** (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Public Transport. It is a matter that has been raised as a matter of urgency for me just this afternoon by a member of the Sunbury State Emergency Service (SES), a long-term member who in fact I know. He has been a member of the SES for some 24 years. Particularly as we are coming toward a season where volunteers are going to do a great deal of work, whether they be SES, Country Fire Authority or whatever they

might be, we should give our commendation to volunteers for the work that they will do over the Christmas period and the coming months.

This particular gentleman is concerned that the vehicle access tracks alongside the railway line between Sunbury and St Albans are not exactly vehicle access tracks at all, because they would not allow vehicles to access the tracks. If there is a need for an emergency response, such as to a train crash or a fire — and, as we know, fires are often caused by trains on particularly hot days, and we might get a hot day one day; we live in hope — we need to have appropriate access for emergency vehicles: firetrucks, SES, ambulance and similar vehicles. At this point in time you would have to say that is actually non-existent.

I am asking the minister to ensure that those vehicle access tracks are brought up to scratch so that in the event of an emergency response those people who are called upon to involve themselves in that emergency response are actually able to access a train, a fire on the railway line or whatever the incident may be, because quite frankly at the moment it is quite a worry. It is a very busy railway line, and it is just not good enough for such a situation where people's lives may be endangered by the fact that the vehicle access tracks are just not up to scratch. So I am asking the minister to ensure that that occurs.

Acting President Melhem, I will spend the last few seconds wishing you, all members and their families and all staff and their families all the very best for a very enjoyable Christmas and holiday season.

### Child protection

**Ms SPRINGLE** (South Eastern Metropolitan) — My adjournment matter is for the Minister for Families and Children. At the end of June 2015 there was a total of 302 unallocated child protection cases in the Frankston region alone. As of last week there are reports that there are now 120 unallocated cases under just one worker in that same region. Some practitioners believe it is possible that most matters in Frankston, Cheltenham and Dandenong actually remain unallocated. Can the minister act to reduce the extreme backlog of unallocated child protection cases in the southern division?

### Gippsland rail services

**Ms SHING** (Eastern Victoria) — The matter I wish to raise this evening is for the attention of the Special Minister of State. I am heartened to see that he has returned, like all of the very best chapters in political

history, to once again illuminate us with information and knowledge which we have been so sadly missing over the last what feels like 750 years since he was booted out.

The matter which I raise for his attention this evening relates squarely to the infrastructure agenda, which was the subject of considerable consultation and from which a draft strategy was released earlier this year. This citizen jury-led process resulted in a draft report which contained a number of recommendations relating to my particular part of the world of Gippsland and which in particular made a number of suggestions around a dedicated rail shuttle from Pakenham to the city after Gippsland passengers were to be decanted at that particular station to then continue on the metropolitan network.

I would welcome the minister to provide information to Gippsland communities as to how the Infrastructure Victoria 30-year plan will in fact deliver better services for commuters on the Gippsland line, noting that whilst we have made a recovery from the dual wheel wear and boom gate non-activation issues that plagued the line earlier this year, there is still a fair way to go in terms of encouraging a better uptake of services and better reliability and punctuality. So in light of Infrastructure Victoria's report and consideration, further information as well as support and assistance from the Special Minister of State to ensure that Gippsland services are better provided now and into the future would be welcome, and, if the minister were so inclined, an update as to what he has been doing in the last six months whilst not being occupied in this place might form a useful part of his response.

### **Northern suburbs roads**

**Mr ONDARCHIE** (Northern Metropolitan) — My adjournment matter this evening is for the Minister for Roads and Road Safety. It concerns Melbourne's outer north and the road projects the government indicated they were going to support but which have now been put on ice. I ask the minister: what are you doing? Melbourne's outer north is missing out on a multibillion-dollar package of road upgrades that was meant to relieve congestion and reduce accidents in our growth suburbs. But the city's major growth belt in the north has missed out, leaving a surging number of residents to drive on increasingly congested and crumbling roads for the indefinite future.

A leaked departmental document reveals that a package of major road upgrades for the outer north was put to the Andrews government by VicRoads this year but has been deferred indefinitely while the western and

south-eastern upgrades are approved. The communities that would have benefited are in Labor heartland well north of the Metropolitan Ring Road, including suburbs like Craigieburn, Roxburgh Park, Greenvale and Epping.

The package of proposed road upgrades that have been put on hold includes Bridge Inn Road between Plenty Road and Yan Yean Road, Epping Road between Craigieburn Road and Findon Road, Craigieburn Road between Epping Road and Mickleham Road, Edgars Road between Cooper Street and O'Herns Road, Somerton Road between Mickleham Road and Pascoe Vale Road, and Mickleham Road between Somerton Road and Craigieburn Road West, all in Melbourne's outer north in Northern Metropolitan Region.

The member for Yan Yean in the Legislative Assembly has said publicly that this was part of a north-west package and that they were going to unlock the package from the west and the north and then put in place some construction for a funding package. I say to that statement by the member for Yan Yean: what are you talking about? Either it was a promise or it was not a promise. The Minister for Roads and Road Safety said when talking about the west's roads that he is putting people first by investing in projects that will create jobs, cut travel times, reduce congestion and improve safety. Well, it seems to me that in the north of Melbourne he is putting the people of Melbourne's north last. So I ask the minister to advise me when these roads will be funded and when the construction will commence.

### **Berwick Secondary College**

**Mr MULINO** (Eastern Victoria) — My adjournment matter is for the Minister for Education and relates to the Inclusive Schools Fund, which is a \$20 million fund over four years to provide assistance to Victorian government schools to implement projects that promote best practice and inclusive school environments that support the educational and social needs of children and young people with disabilities. The fund has a number of goals, including to increase participation and improve learning outcomes for students with disabilities through strengthening and developing inclusive government school environments and also to create innovative school environments based on inclusive best practice and universal design, and there are other features of the fund as well. In relation to the specific action I seek, I request that the minister act so that the fund provides assistance to Berwick Secondary College in my electorate for any relevant projects. This fund can provide support of up to \$200 000, and I would hope that this fund is able to provide at least some assistance to any relevant projects

for Berwick Secondary College, which is one of the largest government schools in the state.

### Country Fire Authority volunteers

**Mr RAMSAY** (Western Victoria) — My adjournment matter is for the Minister for Emergency Services, the Honourable James Merlino, and the action I seek is that he immediately investigate the allegations that were detailed in today's *Herald Sun* that Country Fire Authority (CFA) firefighters have been denied access to the CFA headquarters using their security passes and can only access the Metropolitan Fire Brigade (MFB) firefighting training facility at Craigieburn when chaperoned by a United Firefighters Union (UFU) MFB employee.

It is beyond comprehension that in one of the most dangerous fire seasons Victoria has faced on record, with fuel loads at unprecedented levels and morale throughout the 60 000 CFA volunteer base at an all-time low, we see the ugly divide between the career and volunteer firefighter rear its ugly head again. To refuse to allow CFA volunteers access to their own headquarters and training grounds is the essence of what is wrong with the us-and-them mentality initiated by the UFU and aided and abetted by the Andrews government.

The CFA and UFU are yet to sign off on a new enterprise bargaining agreement (EBA). After years of agitation by the UFU to make the Andrews government bully the CFA to sign off on an EBA which stripped the powers and authority of the CFA operations management, ironically that very union is now telling its members not to vote for the EBA, given that the power of veto clauses may be stripped out of the EBA by the Fair Work Commission under the new commonwealth legislation. The Andrews government, true to form, is apparently again being subverted by the UFU secretary, Peter Marshall, and at his request is considering doing a side deal in relation to removing the power of veto clauses but having a separate agreement with the UFU.

As we approach Christmas I remind the Andrews government that it was on Christmas Day last year that the residents of Wye River, Separation Creek and South Lorne were facing significant fire threats and that it was the courage and goodwill of our CFA brigades and career and volunteer staff that helped reduce the impact of the Wye River fire, with no loss of life. Why would you treat volunteers like Bruce Convoy, a 36-year-old CFA veteran volunteer and life member, like a second-class citizen? Who is protecting the protectors? Not the Andrews government; this week it voted out

the coalition's private members bill to protect volunteer firefighters. My hope is that, at the very least, the minister will put a stop to this discrimination against volunteers by taking action and allowing CFA volunteers to access their own fire stations and their own training facilities.

### Interfaith Centre of Melbourne

**Mrs PEULICH** (South Eastern Metropolitan) — I take the opportunity of wishing all members a merry Christmas. I did that as part of my 90-second statement the other day, but to anyone who was not here I extend season's greetings and wishes for a very safe and happy new year.

The matter that I wish to raise is for the attention of the Minister for Multicultural Affairs, and it is in relation to the many interfaith and multifaith organisations across my region. There are many very active faith communities across my electorate of South Eastern Metropolitan Region. At a time when there is so much conflict around the world, the need for interfaith dialogue, relations and shared activities is very important in making sure that we are building a society that respects and understands differences but that is also cohesive and constructive. Interfaith and multifaith organisations are involved in many activities that I think are very positive, and I have been involved in some.

However, it is of concern to me that many of these organisations have suffered a 40 per cent cut in their grant allocation in the recent round of funding — that is, the three streams of funding that were actually rolled into one. One organisation in particular that does an enormous amount of work, the Interfaith Centre of Melbourne, is not eligible for organisational support under the current rules. It is in danger of having to fold after many years of existence — I think it first formed in 2000 — and many years of outstanding work in building bridges of understanding and fostering social cohesion, especially through religious interfaith education, referral services for the general public, conducting interfaith ceremonies at important celebrations and visuals, and inviting people of all religions and spiritualities — and none — to be included in events. In particular the centre has been doing a lot of work with schools and other organisations.

They will fold unless they can come into some organisational support. I think they asked for \$150 000 and I believe they ended up getting nothing. I am asking the minister to have a look at their application and their urgent need for organisational support. They have received support from Anne Maher, the president

of the Australian Association for Religious Education; the Wesley College Institute; the Islamic Council of Victoria; and the Victorian Council of Churches. That is some pretty heavy support, obviously in recognition of the valuable work that is done by Helen Summers in particular.

This is an organisation that needs to continue its good work, and I ask the minister to ask his department to see whether there are any funding opportunities to keep this important work continuing, especially as so much focus has been directed to building and strengthening our community and social cohesion.

### **The Bubble student support centre**

**Ms BATH** (Eastern Victoria) — My adjournment matter this evening is directed to the Minister for Training and Skills, the Honourable Gail Tierney, and the action I seek from the minister is a commitment to keep open the student support centre known as the Bubble, used by Gippsland students undertaking study at Federation Training in Morwell. The Bubble provides students with free career guidance, subject tutoring, health referrals and information services. The Bubble's services can be used by students studying at the Yallourn, Warragul and Bairnsdale campuses as well as Morwell, and the Bubble provides smaller spaces where students can access support. Team members working within the Bubble are able to engage with students face to face or via a direct hotline. Student counsellors are available to train students, and they provide a whole range of services dealing with personal, academic, financial and welfare concerns.

One of my constituents came into my office the other day, and she was quite worried by conversations she had heard around the campus that the Bubble would not operate in 2017. As with many students, I find this lady to be an inspiration. In her mid life she has chosen to go back into the training sector and embark upon a qualification to become a division 2 nurse. She wants to give back to her community, and she feels that it is the right calling for her. She does feel that she is not confident in the mathematical section of the course, and she was really looking forward to receiving good guidance through tutoring at the Bubble.

The action I seek, as I said, is that in light of concerns around the Latrobe Valley and the closure of Hazelwood, the nervousness around increased unemployment and the shocking unemployment rate in Morwell of 19 per cent we ensure that our students are well supported and well serviced in order to go on to achieve academic success and then go on to find meaningful employment in an area of their choice. This

is a very important issue, and I look forward to hearing the minister say that the Bubble will stay open.

### **Victims of crime financial assistance**

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter for the attention of the Premier. On 8 December 2013 Korinne Aylward and Greg Tucker were tragically murdered in their homes. Their three children were present at the time. Since that day Korinne Aylward's two sisters, Maria Aylward and Katelyn Dolman, have assumed responsibility for these three children. For 18 months Maria and Katelyn have been seeking some assistance from government to help them raise their two nephews and their niece, Callum, Ryan and Grace. At one stage they were told by the department that they could relinquish the children and then apply to have them returned under a foster care arrangement and therefore access foster care benefits — quite a disgraceful suggestion.

After months of lobbying, including letters to the Premier and Minister Mikakos, the Premier was asked a question about this during question time in the last sitting week, and he said in response:

... when question time concludes today I will speak with the secretary of my department and ask him to have a very close and urgent look at this matter. If there is anything further that we can do, then we will.

Since that time there have been discussions between representatives of the Premier's department and other parts of government, and there has been some discussion about how Katelyn and Maria — these two remarkable, strong and courageous women — can be helped in their efforts to raise their two nephews and their niece. But as we stand here today, there has been no resolution and no conclusion to this matter. I again ask the Premier to urgently intervene so that a resolution can be found where Ms Dolman and Ms Aylward are given the assistance they desperately need to raise their two nephews and their niece in a loving and caring environment, as they have done since their sister and brother-in-law were tragically murdered three years ago. I ask for the Premier's personal intervention to see this issue resolved in the next 24 to 48 hours, because this family deserves nothing less.

### **School cleaners**

**Ms PENNICUIK** (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Education, and it is in regard to contract cleaners in government schools. This issue has been covered in the press over the last week or so. I would like to start by saying that I think there is too much contract

employment in the Department of Education and Training as it is; too many teachers, too many teacher aides and too many other support staff are on contracts. This particular adjournment matter is in regard to contract cleaners.

A report by United Voice says that a vicious price war has intensified in relation to government school cleaning. This is not a new issue. There have been a lot of problems going back to 1992, when the previous Kennett government sacked all the full-time cleaners in schools and introduced this system of contract cleaning. It is an issue that has arisen before, and I understand that about 10 years ago a panel was put in place in the department to deal with it, but it seems to have gotten out of control again.

The secretary of United Voice has said that he is aware of cases in which public school cleaning staff are being illegally hired as independent contractors for \$8 an hour, cash in hand, and that people are working loads of overtime, particularly on weekends, after school hours and before school hours, and that people are not being paid for it. Last year a report that was given to the government found that 60 per cent of school cleaners surveyed said they were receiving below-award pay and conditions, and it found that there were systemic award breaches identified in 9 out of 14 schools visited in just one week.

This particular issue has raised concerns among the Building Services Contractors Association of Australia, the union and the Fair Work ombudsman and within the Department of Education and Training itself. An article by Nicholas Toscano in the *Age* quotes the department as saying that it 'urged affected workers to contact the department's cleaning contracts unit to investigate'. Well, I say that this is not good enough. Asking exploited and vulnerable workers who are afraid of losing their jobs to contact the department is not good enough. In the article the department is also quoted as saying that the hiring of contract cleaners is a school-based decision and principals are expected to oversee it. This also is not good enough. My request of the minister is that he direct the department to conduct a comprehensive audit of how school cleaning contracts are being handled and put in place guidelines or other mechanisms to ensure that this practice is stamped out and that he take action where cleaners have been underpaid.

### Responses

**Mr JENNINGS** (Special Minister of State) — I start off by acknowledging that I have written responses to adjournment debate matters raised by Ms Patten on

31 August, Mr Melhem on 25 October, Ms Bath on 27 October and Mrs Peulich on 27 October.

In relation to matters that have been raised tonight, can I say that one of the things that has become evident to me is that I have been deskilled in my ability to listen to adjournment matters. I will do my best to make sure that I have discovered the pithy element of any of the contributions today; some of them I struggled with. Probably the one I struggled with most was that of Ms Patten, which related to the Premier's responsibility in relation to the transit of Santa in three weeks time. In three weeks the transit will probably be over, but nonetheless the Premier will do his best in relation to whatever responsibility he may bring to bear on this matter.

Ms Lovell raised a matter for the attention of the Minister for Roads and Road Safety, seeking his support for road maintenance in the Macedon electorate. Mr Finn raised a matter for the Minister for Public Transport relating to vehicle access tracks in the vicinity of Sunbury that have been identified as being not up to scratch. Ms Springle raised a matter for the attention of the Minister for Families and Children, seeking her action to make sure that the number of unallocated child protection cases decreases. In particular she is concerned about Frankston and the southern metropolitan region of the department.

Mr Ondarchie raised a matter for the Minister for Roads and Road Safety. I am certain that the minister and the government will in fact eliminate his concern about the needs of the outer north, as that area is a feature of the road funding proposals of this government. The member has relied on newspaper extracts or leaked material, which may indicate to him that this area is not a priority of the government, but I can assure him and his community that he will be proven incorrect in that assumption.

Mr Mulino raised a matter for the attention of the Minister for Education. He seeks the support of the minister to ensure that in Berwick and other parts of his electorate, but in particular that community that the education department provides support to, we have responsive and appropriate supports, particularly for students with disabilities and in order to build on that capacity across the education system more broadly.

Mr Ramsay gave a very adventurous description of what he believes to be the situation in relation to Country Fire Authority (CFA) matters. He did on the way through, in one sentence, recognise the significant contribution of both career firefighters and volunteers. Whilst he virtually in every other sentence tried to

erode the contribution of professional firefighters, I am glad he did at least on one occasion recognise the outstanding contribution made by professional and volunteer firefighters in the CFA. That is actually something this Victorian community should be proud of, encouraging of and supportive of, as we do rely on that capacity and we acknowledge that is the case. Mr Ramsay wanted some additional encouragement from the Minister for Emergency Services that he recognises the contribution across the professional and volunteer landscape.

Mrs Peulich raised a matter for the Minister for Multicultural Affairs seeking his support to see if he can identify some funding arrangements for the Interfaith Centre of Melbourne, to see whether in fact there can be any ongoing support for the work undertaken there.

Ms Bath raised a matter for the Minister for Training and Skills supporting the work that comes out of Federation Training in the Bubble facility. I have been reminded by my colleague Ms Shing that in fact significant financial support has been provided in the last 12 months or so: two allocations in excess of \$3 million have been provided to support that work. There is an appreciation of the value and the contribution of that work, which currently supports students in the electorate. Indeed one of the concerns, as I understand it, has been to try to provide better completion rates, particularly for those students that Ms Bath identified: those that, at a more mature age of life, might want to reconnect with the education experience and take up educational opportunities. That is a significant issue. The government does appreciate that, but maybe my colleague the Minister for Training and Skills can augment my immediate response.

Mr O'Donohue raised a matter for the attention of the Premier seeking the support of the Premier on a matter that has been raised in the other place in the last couple of weeks relating to Ms Aylward and Ms Dolman and their two nephews and their niece who have come into their care following tragic circumstances within the family. The Premier has acknowledged that is a concern. He has referred the matter to the department, and Mr O'Donohue indicated that there has been some follow-up, but he wants some greater certainty that that is being responded to appropriately. I am sure the Premier will respond in accordance with that urgent and appropriate need.

Ms Pennicuik raised a matter for the Minister for Education relating to his scrutiny of auditing the payments and the quality of engagement for contract plans across school communities. She asked him to

audit those activities and to provide for new guidelines to make sure that there is no abrogation of responsibility to cleaners across the state.

I have left Ms Shing to last, because Ms Shing asked me for an update on a variety of matters but primarily an immediate response in relation to an issue relating to Infrastructure Victoria, which I had the responsibility of establishing through statute. Through a mature yet independent relationship with Infrastructure Victoria, we are hoping to establish a framework for infrastructure priorities for this state over the next 30 years. Indeed Infrastructure Victoria provided that report, its 30-year strategy, today, as it was obliged to under statute. The government will now respond to the total report within the next six months or so in terms of what we think about its scope, its breadth, its comprehensive nature and whether it does address the needs across our community that it actually purports to consider. That is one issue. The second issue is how we then roll out investment strategies and what infrastructure support we provide in the first five-year iteration in our response to those 30-year horizons.

Ms Shing did draw attention to something that had come through an assessment method used by Infrastructure Victoria. The method has some risks to it, because not only did they rely on the best information that was available on the basis of transport analytics, economic analysis and an assessment of ageing and depreciatory infrastructure but they took the risk of asking certain citizens of the state what their opinion was on certain projects and their priorities. That is a method that is interesting. Citizen juries are becoming a feature of public policy development in this jurisdiction and around the world. But the reason why I have continued to use the word 'risk' is that sometimes citizens who may have the best of intentions may not have the best information base or be alive to the breadth of needs that underpin that assessment. We think that the citizen jury commissioned by Infrastructure Victoria went off on a little bit of something that may be described as a frolic earlier in the year that did not necessarily represent the constituency that Ms Shing is most concerned about in this instance, and that is public transport support to her community.

I am very pleased to say that in its final recommendations Infrastructure Victoria today did not fall for that frolic and indeed has responded accordingly by indicating that this is a priority area of concern. Additional support for the regional rail extension in eastern Victoria and the duplication of the line has been an issue that Infrastructure Victoria has acknowledged as something worthy of government scrutiny. Community expression of views about this will

hopefully form the basis of very deliberative and concerted thinking on behalf of the government.

One of the things that Ms Shing invited me to do is to reflect on whether I have done any productive work. I do not need to actually demonstrate to the chamber on this occasion that I have done productive work, because the members all want to start celebrating Christmas, but I do want to say that one of the extraordinary things about being in government, as distinct from being in Parliament, is that most of the productive work that actually happens in public administration in this state occurs in government — that is, in government decision-making and in the implementation of decisions of government. One thing that has been facilitated through my absence is participation in government processes. Cabinet committees have been able to meet in Parliament, where they would otherwise not have been able to meet over these sitting weeks. We have made hundreds of decisions that we would not have been able to make if it had not been for the largesse of the Legislative Council in freeing me of my obligations to it. So on behalf of the people of Victoria, who are the beneficiaries of those decisions, thanks very much for the disrespect that has been shown to me for the last six months.

### Felicitations

**The PRESIDENT** — Order! Just before I close Parliament for this year — the Legislative Council, obviously — I take this opportunity to extend my best wishes to all members and their families. I hope you have really terrific family time and time with friends over this period after what has been a particularly busy year for this chamber. Obviously it has not all been smooth sailing in everybody's estimation, and probably not in mine. Nonetheless the level of cooperation with the Chair has, from my point of view, certainly been outstanding. I thank every member for the contribution they make in that sense to the conduct of the house. I also thank those members who participate so diligently in committees.

I would also extend on your behalf my best wishes to all of the staff of the Legislative Council in particular, but also to the broader staff of the Parliament. We have been well served by our clerks, who have been tested by a number of issues that have come before us in the past year but have done particularly well with what has been a rather frantic agenda for the year.

The red coats, led by Greg, have been terrific in their service again. It would be remiss of me if I did not thank Natalie Tyler on behalf of the chamber as much as myself for the work she has done in supporting

members of Parliament in various ways but also in being such a fine ambassador for the Parliament in terms of ensuring the smooth engagement that we have with international visitors, delegations and other people from the Victorian and wider Australian communities.

I trust your electorate office staff will get a break over Christmas, because I am sure they also deserve some time off, having done some fantastic work, clearly, in support of each of you, evident in the amount of work that has been put into the debate and activities of this chamber and of the committees.

This is a time when obviously we think of other people. We think of people around Victoria, Australia and the world, particularly those who are not as fortunate as we are. I trust that each of you will give some thought to those people as you celebrate what is a significant occasion that brings us together with family and friends in a spirit of charity and generosity that I think is very important. I hope to see every one of you fit and well in February, when we come back, and I look forward to working with you again next year. Thank you, everyone.

The house stands adjourned.

**House adjourned 5.48 p.m. until Tuesday,  
7 February 2017.**

**WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE**

*Responses have been incorporated in the form provided to Hansard and received in the period shown.*

**25 November to 8 December 2016**

**Employment**

**Question asked by:** Ms Wooldridge  
**Directed to:** Special Minister of State  
**Asked on:** 3 May 2016

**FURTHER RESPONSE:**

The Back to Work Scheme made over 4000 payments to employers in the first quarter of 2016 for the hiring and training of eligible employees. Employers received payments for the hire of a wide range of eligible employee cohorts, including 2700 payments for the hire of apprentices/trainees, 316 young unemployed persons, and 250 long term unemployed persons.

As stated in my response on 6 May, details on payments such as the number and value of payments made to individual claimants are not publicly available, as this may disclose personal or other identifying information on individual taxpayers and their employees. The secrecy provisions of the Back to Work Act 2015 set out the purposes for which disclosures can be made, and the offices or agencies authorised to receive it. Providing the requested information would be a breach of those provisions.

We have seen extremely high take up of the Scheme, which is now fully subscribed, and was wrapped up on 18 July 2016. Almost 16 000 payments have been made to employers taking on disadvantaged job seekers in the 2015-16 year.

However, \$15 million has been set aside for payments to employers of former dairy workers and automotive workers, who have been affected by the recent downturn in these industries. These workers will continue to benefit from the Scheme.

**Melbourne Metro rail project**

**Question asked by:** Mr Davis  
**Directed to:** Special Minister of State  
**Asked on:** 3 May 2016

**RESPONSE:**

Melbourne Metro Rail Authority has now informed local stakeholders that Fawkner Park will no longer be utilised as a tunnel boring machine support site for the Metro Tunnel project.

We recognise that the local community places great importance on Fawkner Park and its facilities including the tennis courts and childcare centre.

Following stakeholder consultation, further investigations have determined that the use of Fawkner Park is not required to launch and retrieve tunnel boring machines.

A smaller construction site in the north east corner of Fawkner Park may still be required to build an emergency access shaft, with a small above ground structure remaining to provide emergency services access to the Metro Tunnel to meet safety requirements.

### **Hazelwood power station**

**Question asked by:** Mr Barber  
**Directed to:** Special Minister of State  
**Asked on:** 26 May 2016

#### **RESPONSE:**

On 3 November 2016, Engie announced it would close the Hazelwood power station and the mine by 31 March 2017. This is a commercial decision made by the station's private operators, Engie and Mitsui & Co.

In response to this announcement, the Andrews Labor Government is supporting the Latrobe Valley and will continue to work with the community to create the economic future that the community deserves.

We have dedicated \$20 million to establish a Latrobe Valley Authority to lead the Government's response and manage the transition and the future economic development of the Latrobe Valley.

In the immediate term, an additional \$22 million package of support will be available for Hazelwood workers and affected businesses. This includes:

- establishing a Worker Transition Centre in Morwell, in partnership with the Gippsland Trades and Labour Council;
- providing education, counselling, financial advice and subsidised job-seeker training for workers in transition;
- tailoring support for businesses to help them identify new opportunities and develop a transition plan; and
- expanding the Back to Work program for businesses that employ workers in the Latrobe Valley.

The Government will also allocate \$50 million to establish a special Economic Growth Zone in the Latrobe Valley, in which companies starting or expanding their businesses in the Valley will be eligible for financial incentives.

Additionally, we will also establish a \$174 million Community Infrastructure and Investment Fund for new local projects which could include road and rail upgrades, school upgrades and health facilities.

### **Family violence**

**Question asked by:** Ms Springle  
**Directed to:** Special Minister of State  
**Asked on:** 26 May 2016

#### **RESPONSE:**

I am advised that the members of the Family Violence Steering Committee were selected to represent victim survivors and the breadth of services and systems that have a role to play in preventing and responding to family violence in Victoria. This aligns with Recommendation 200 made by the Royal Commission into Family Violence.

In addition to the members announced on 18 May 2016, the Minister for the Prevention of Family Violence has invited the Family Violence Regional Integration Committees and the Indigenous Family Violence Partnership Forum to nominate representatives. The Aboriginal Family Violence Prevention and Legal Service is a member of that Forum. The Steering Committee also has three representatives from community legal centres.

The Victorian Labor Government has committed to working closely with family violence stakeholders in implementing the Royal Commission's recommendations. The Family Violence Steering Committee is only one way that this will occur. A number of working groups will be established to progress family violence reforms, and these working groups will necessarily engage a broader range of stakeholders across the family violence, justice, legal, health, housing and children's services sectors. Relevant government departments will also be represented on the Steering Committee and working groups.

**Country Fire Authority enterprise bargaining agreement**

**Question asked by:** Mr Rich-Phillips  
**Directed to:** Special Minister of State  
**Asked on:** 9 June 2016

**RESPONSE:**

I have reviewed my diary and can confirm that there is no record of any meeting between myself and Mr Marshall during my time as Minister.

For the purposes of completeness, I have seen Mr Marshall incidentally during the period specified by the member; once in Queens Hall in Parliament House, and a couple of times on Melbourne CBD streets.

**Yarra River Crown land**

**Question asked by:** Mr Young  
**Directed to:** Special Minister of State  
**Asked on:** 22 June 2016

**RESPONSE:**

In 2014 the former Coalition government accepted all the recommendations of the Victorian Environmental Assessment Council's (VEAC) Yellingbo Investigation Final Report 2014 and began implementing the recommendations.

Parks Victoria and the Department of Environment, Land, Water and Planning (DELWP) are continuing the implementation, which includes the phase out of grazing licences from environmentally significant stream frontages in the area proposed to be included in a new Yellingbo Conservation Area. VEAC recommended this area be created under a schedule of the National Parks Act 1975, however, not as a national park. This will enable uniform regulations to apply and enable a range of recreational activities including dog walking and horse riding in appropriate locations.

Parks Victoria and DELWP are currently working with adjoining land owners to phase out grazing licences from a number of stream frontages as recommended by VEAC. Approximately 45 licences along the Yarra River and Noddles Creek were due to be phased out on 30 June 2016, however, to provide additional time for land owners to make the necessary adjustments, a three month extension (to 30 September 2016) was offered and these licences have now been cancelled. The remaining licences are scheduled to be phased

out by 30 June 2018. Parks Victoria and DELWP are working with the affected licence holders and also providing assistance via Melbourne Water's Stream Frontage Management Program for fencing to prohibit stock from the waterways.

There are no plans to fence off areas of Crown land to prohibit recreational use or exclude the public.

**Government fossil fuel investment**

**Question asked by:** Mr Barber  
**Directed to:** Special Minister of State  
**Asked on:** 23 June 2016

**RESPONSE:**

The term 'fossil fuels' covers oil, coal and natural gas.

The equity markets classify investments using the Global Industry Classification Standard (GICS) developed in 1999 by MSCI and Standard & Poor's (S&P) (see <https://www.msci.com/gics>).

The relevant GICS code in question is the 'Energy' group (code 1010) which covers exploration, extraction, production, transportation, drilling, manufacturing of oil, gas and coal as well as the mining of coking coal.

VFMC has advised that:

- the investment portfolio that VFMC manages on behalf of its major clients was valued at \$47.8 billion at the end of April 2016; and
- 'energy' equity investments comprise less than 3 per cent of VFMC's total investment portfolio.

A large proportion of VFMC's equity portfolio is managed by external fund managers, who make decisions about investments based on an assessment of commercial factors balanced with environmental, social and governance (ESG) factors.

The supplementary question asks: What steps the Government will be taking to disinvest in companies that explore for, develop or produce fossil fuels.

The answer is that the Government cannot direct VFMC to divest any specific assets including fossil fuel assets. The Victorian Funds Management Corporation Act 1994 constrains the Government in the following ways:

- Section 6 states that the objective of VFMC is to provide investment and funds management services to participating bodies and the State "in a commercially effective, efficient and competitive manner".
- Section 10(4) specifically prohibits the Treasurer from issuing a direction to VFMC that is inconsistent with the objectives of the Corporation or is in relation to any specific investment decision.

### **Walhalla Vinter Ljusfest**

**Question asked by:** Mr Bourman  
**Directed to:** Special Minister of State  
**Asked on:** 23 June 2016

#### **RESPONSE:**

I note that the application from Walhalla & Mountain Rivers Tourism seeking support for the Walhalla Vinter Ljusfest was made under the Country Victoria Events Program.

The 2016-17 State budget included a new \$20m Regional Events Fund.

The guidelines for the Government's new Regional Events Fund consider multi-year support for events, and have more flexible matched funding requirements.

I note that there is considerable appetite for funding support for events in regional Victoria and applications will be considered on a case by case basis.

The guidelines for the Regional Events Fund are available through Visit Victoria and applications will be accepted throughout the year.

### **Local government code of conduct**

**Question asked by:** Mr Davis  
**Directed to:** Special Minister of State  
**Asked on:** 16 August 2016

#### **RESPONSE TO SUBSTANTIVE QUESTION:**

No. Lack of compliance with Victorian statute by Local Government is an issue that warrants their vigilance.

**RESPONSE TO SUPPLEMENTARY QUESTION:**

The Department of Environment Land, Water and Population received legal advice regarding whether councillors disqualified for non-compliance with the code of conduct declaration requirements in the Local Government Act 1989 can nominate for subsequent elections. This advice is protected by legal professional privilege and the Department does not intend to release the advice.

**Back to Work scheme**

**Question asked by:** Ms Wooldridge  
**Directed to:** Special Minister of State  
**Asked on:** 16 August 2016

**RESPONSE:**

The Back to Work Scheme made over 10 000 payments in the April-June quarter of 2016 for the hiring and training of eligible employees. Eligible employee cohorts who benefited included 5334 apprentices/trainees, 442 young unemployed persons, and 1133 long term unemployed persons. Flight Centre Limited was the only employer who received more than 100 payments in that quarter.

As I indicated in my response to the question asked on 23 June 2016, details such as the number and value of payments made under the Back to Work Scheme may disclose personal information on individual taxpayers. For this reason legislative provisions such as the secrecy provisions in the Back to Work Act 2015 set out the purposes for which disclosures can be made, and the offices or agencies authorised to receive it.

The State Revenue Office is undertaking an active compliance program involving the vetting of current claims.

**Native vegetation management**

**Question asked by:** Mr Young  
**Directed to:** Special Minister of State  
**Asked on:** 17 August 2016

**RESPONSE:**

When native vegetation is permitted to be removed, an offset must be secured which achieves a no net loss outcome for biodiversity. The type and amount of offset that is required depends on the native vegetation being removed and the contribution that it makes to Victoria's biodiversity.

This contribution is determined through measurements of site-based and landscape scale characteristics of the native vegetation. These are then combined to quantify the contribution that it makes. The site-based characteristics are made up of its extent and condition. The landscape scale characteristics are made up of its rarity and depletion, whether it is habitat for rare or threatened species and how well connected it is to other native vegetation in the landscape.

The contribution is expressed as a general biodiversity equivalence unit or a specific biodiversity equivalence unit where the native vegetation is habitat for a rare or threatened species. These units are what a person wishing to clear native vegetation must secure either by establishing an offset area on their own property or by purchasing them from another landholder.

A person selling offsets will set the price based on a number of factors. These factors include the cost of undertaking improvement works (e.g. weed control and fencing) and, in order to set aside the land in-perpetuity for biodiversity conservation, the giving up of incompatible uses such as firewood collection or grazing.

In relation to the Amherst case, the landowner cleared vegetation on land that was covered by a Salinity Management Overlay (SMO) provided for under the local planning scheme. The SMO requires a planning permit to conduct works such as those undertaken and this permit had not been obtained. The Shire of Central Goldfields advised the landowner to stop works and apply for a planning permit for further works.

### Container deposit scheme

**Question asked by:** Ms Springle  
**Directed to:** Special Minister of State  
**Asked on:** 17 August 2016

**RESPONSE:**

The Keep Australia Beautiful National Litter Index recently reported Victoria as having the lowest litter count in the country for the fifth year in a row. Victoria recorded an 27 per cent reduction in total litter counted over the past year. This is half the national average.

Of course, we should not become complacent or stop looking for ways we can do more. However, any new scheme needs to be a good fit for Victoria and its benefits need to outweigh the costs.

The information we have shows that a container deposit scheme (CDS) would increase costs to Victorians well beyond the benefit to the environment. For example, an extensive analysis of the costs and benefits of introducing a national CDS was released in December 2014. It found that a CDS is by far the least cost-effective option for reducing packaging waste. This report is available on the web at: <http://www.environment.gov.au/node/38157>.

We also need to consider whether a CDS would make the business of kerbside collection less viable, as containers already recycled through waste collection would be diverted. Even with a scheme that is focused on litter, as is proposed for New South Wales, we would still want to understand the impacts on kerbside recycling. Victoria achieves a 86.8 per cent plastic packaging recycling rate via its current system.

We will continue to monitor the progress of New South Wales, Queensland and West Australia as they develop their approach to container recycling to understand the benefits and costs of their models, including whether they should be considered for Victoria.

The Victorian Government is also committed to reducing litter more broadly, and is investing \$32 million in waste management over the next four years to help ensure Victoria's litter rates remain the lowest in Australia. This includes a Litter Innovation Fund that supports local government, industry, community groups and other land managers to manage and prevent litter in new and innovative ways. Sustainability Victoria's website provides more details at <http://www.sustainability.vic.gov.au/services-and-advice/fundinehictorian-litter-plan-litter-innovation-fund>.

### Victorian Multicultural Commission

**Question asked by:** Mrs Peulich  
**Directed to:** Special Minister of State  
**Asked on:** 30 August 2016

**RESPONSE:**

The consolidation of the Office of Multicultural Affairs and Citizenship, the Community Resilience Unit, and the Office of the Victorian Multicultural Commission within a new Multicultural Affairs and Social Cohesion Division will further enhance the Government's ability to lead on multicultural affairs. The new Division will allow a greater capacity to collaborate; share knowledge, information and expertise; and reduce duplication.

The Victorian Multicultural Commission (VMC) will continue as an independent statutory entity that will provide independent advice to the Government as per the Multicultural Victoria Act 2011.

As a statutory body under the Multicultural Victoria Act 2011 (the Act), the Commission will continue to convene meetings, including community consultations, forums and roundtables without ministerial pre-approval.

By virtue of s.8(e) of the Act, the VMC is empowered to undertake systematic and wide-ranging consultation with bodies and people. By exercising this power the Commission is able, per s9(1) of the Act, "...to do all things

necessary or convenient to be done for, or in connection with, carrying out its objectives and performing its functions.”

I also note Minister Scott wrote to you on the 29th of July 2016 outlining the changes and his office provided you and an adviser of the leader of the Opposition a briefing on the 3rd of August 2016.

### **Solar energy**

**Question asked by:** Mr Barber  
**Directed to:** Special Minister of State  
**Asked on:** 30 August 2016

#### **RESPONSE:**

Unlike the previous Coalition Government, the Andrews Labor Government is committed to ensuring Victorians are paid a fair price for solar energy they produce. That is why we asked the ESC to undertake a review of feed-in tariffs, through the Inquiry into the True Value of Distributed Generation to Victorian Consumers. The ESC’s final report on feed-in tariffs was released in August 2016.

The Andrews Government is now introducing major changes to make feed-in tariffs fairer, including:

- the introduction of time-of-use feed-in tariffs that align with the time blocks operating for flexible retail prices (peak, shoulder and off-peak);
- the addition of a payment to recognise the environmental and social value of distributed generation; and
- moving the setting of feed-in tariffs from a ‘calendar year’ to a ‘financial year’, commencing on 1 July 2017. This change would require the ESC to make its final minimum rate determination by 28 February of each year, rather than 31 August, as is currently required.

feed-in tariff, have access to new rates from 1 July 2017 which better reflects the true energy value of the electricity they export into the grid. Although the Standard Feed-in Tariff and Transitional Feed-in Tariff will cease at the end of 2016, customers currently signed up to 60 cents per kilowatt hour Premium Feed-in Tariff will remain eligible for that tariff until 2024.

The Government also encourages Victorians to shop around for the best feed-in tariff, as retailers can offer customers feed-in tariffs above the minimum rate.

### **Asylum seekers**

**Question asked by:** Ms Springle  
**Directed to:** Special Minister of State  
**Asked on:** 13 October 2016

#### **RESPONSE:**

Victoria’s participation in the Safe Haven Enterprise Visa scheme, along with that of the Australian Capital Territory, Queensland, South Australia and Western Australia, was publicly announced by the Commonwealth on 27 October 2016. The Victorian Government remains committed to ensuring that asylum seekers living in Victoria receive appropriate support, and will continue to work with the Commonwealth to make this happen.

**Aboriginal children and young people**

**Question asked by:** Ms Springle  
**Directed to:** Special Minister of State  
**Asked on:** 27 October 2016

**RESPONSE:**

I am informed that the Minister for Families and Children has accepted, accepted in principle or accepted in part all recommendations from the Commission for Children and Young People's inquiry—In the Child's Best Interest: Compliance with the Aboriginal Child Placement Principle that are directed to her department.

The Minister for Families and Children has also committed to accepting, accepting in principle or accepting in part all recommendations from the Commission for Children and Young People's inquiry—Always was, always will be koori children: systemic inquiry into services provided to Aboriginal children in out of home care that are directed to her department.

Recommendations directed to the Department of Education and the Department of Justice and Regulation have also been accepted, accepted in principle or accepted in part. The Minister for Families and Children is coordinating a whole of government response to the report recommendations.

The Government will work closely with the Aboriginal Children's Forum and the Commission for Children and Young People to ensure timely implementation of the recommendations.

**Belfast Coastal Reserve**

**Question asked by:** Ms Dunn  
**Directed to:** Special Minister of State  
**Asked on:** 27 October 2016

**RESPONSE:**

I am advised that the Minister has been working closely with the Minister for Racing and the Minister for Aboriginal Affairs regarding the Belfast Coastal Reserve, Lady Bay and the Warrnambool Racing Club, to find a solution which protects the natural environment, protects the breeding area of the hooded plover and protects the state's Aboriginal heritage.

To get this right, we have led a consultation process to find a balanced solution—and that is exactly what has happened. That process has involved community consultation including meetings with Belfast Coastal Reserve Action Group, the South West Owners and Trainers Association, the Warrnambool Racing Club, the Shire of Moyne and the City of Warrnambool.

Further information regarding the Belfast Coast horse announcement can be found at <http://www.delwp.vic.gov.au/news-and-announcements/belfast-coast-horse-announcement>

**Melbourne Youth Justice Centre**

**Question asked by:** Mr Morris  
**Directed to:** Minister for Corrections  
**Asked on:** 22 November 2016

**RESPONSE TO SUBSTANTIVE QUESTION:**

Of the young people referred to in the question, eight have had their charges dealt with by the Children's Court. Three of these young people have been sentenced to a Youth Supervision Order and a further three have been sentenced to a Youth Justice Centre Order. One of the young people was fined and another one was put on probation.

Seven of the fifteen young people have their matters still pending before the Court.

**RESPONSE TO SUPPLEMENTARY QUESTION:**

See answer above.

**Belfast Coastal Reserve**

**Question asked by:** Mr Barber  
**Directed to:** Special Minister of State  
**Asked on:** 22 November 2016

**RESPONSE:**

Thank you for your question concerning hooded plovers and commercial horse training along the Belfast Coastal Reserve. The Andrews Labor Government recently announced permitting commercial horse training on fewer beaches and at locations away from current known hooded plover nesting sites, compared with what was previously occurring in an unregulated way. The number of horses permitted is less than the racing industry has had on the beaches and certainly less than was requested by the industry. My departmental staff continue to support local groups to ensure that the hooded plover sites are signposted and cordoned off so that all users of the beaches can avoid these important nesting sites.

I can advise that Parks Victoria rangers are on the beach monitoring use by commercial horse trainers and if there are breaches to legislation or to any other lawful instrument then prosecutions will follow.

**Melbourne Youth Justice Centre**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 November 2016

**RESPONSE TO SUPPLEMENTARY QUESTION:**

I am advised that the Community and Public Sector Union and the Department of Health and Human Services are working cooperatively to address the current issues in Youth Justice Centres. A secondment to support these working arrangements has been agreed.

**Melbourne Youth Justice Centre**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 November 2016

**RESPONSE TO SUPPLEMENTARY QUESTION:**

I am advised that no directive was sent out to youth justice workers by the Department of Health and Human Services not to speak to the media. This is just another one of the Member's lies.

**Melbourne Youth Justice Centre**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 November 2016

**RESPONSE TO SUBSTANTIVE QUESTION:**

I am advised that the Department of Health and Human Services did not order 100 pizzas on Monday 14 November.

**Barwon Prison**

**Question asked by:** Ms Springle  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 November 2016

**RESPONSE:**

I am advised that it is sometimes necessary for young people to be isolated due a range of security or safety risks. Where this occurs this is done in compliance with the Children Youth and Families Act 2005.

Grevillea will operate as any other youth justice centre and standard management does not involve 20 hours of lock down per day

**Barwon Prison**

**Question asked by:** Ms Springle  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 November 2016

**RESPONSE TO SUBSTANTIVE QUESTION:**

I am advised that all young people at the Grevillea Unit will have access to their legal representative. Once young people are transferred to Grevillea their legal representatives are being contacted to inform them of the location of their client.

**Youth justice centres**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 November 2016

**RESPONSE TO SUPPLEMENTARY QUESTION:**

I am advised that the Community and Public Sector Union and the Department of Health and Human Services are working cooperatively to address the current issues in Youth Justice Centres. A secondment to support these working arrangements has been agreed.

The agreement detailing financial and other arrangements for the secondment has not yet been finalised.

**Gender equality**

**Question asked by:** Ms Patten  
**Directed to:** Minister for Families and Children  
**Asked on:** 24 November 2016

**RESPONSE:**

I would like to thank the Member for her question. I was pleased to be joined by the Member at the launch of Victoria's first Gender Equality Strategy on 5 December 2016.

Advertisements that vilify and demean women have no place in Victoria. Wicked Campers in one of a number of companies that choose to advertise itself by degrading women. Sadly, these negative attitudes and behaviours are not confined to advertising, but also exist in mainstream media where women are depicted in ways that diminish them.

Safe and Strong: A Victorian Gender Equality Strategy includes a series of landmark reforms necessary to establish a reality where all Victorians are treated with dignity, respect and fairness. The Strategy commits to developing the sustained and enduring architecture that is required to erode the attitudes that drive violence against women.

The Strategy acknowledges that good intentions have never been enough to deliver equality for women. That is why it commits our government to reviewing laws relating to gender-based hate speech and sexist advertising, including on public transport assets. It also commits government to exploring legislative and contemporary measures to better protect

against gendered discrimination and enact a Gender Equality Act to promote gender equality across all government functions. The nature of the legislative changes will be determined in consultation with stakeholders and across government.

As the Member has raised, achieving gender equality will require culture change across generations and will only be achieved when all Victorians understand the benefits of gender equality. I look forward to working with the Member to develop a state where all Victorians are safe and equal.

### **Bushfire preparedness**

**Question asked by:** Mr Bourman  
**Directed to:** Special Minister of State  
**Asked on:** 24 November 2016

#### **RESPONSE:**

Fuel management includes planned burning and mechanical treatments such as slashing, mowing or mulching and the use of herbicides. It is one of many strategies used to reduce the risk of bushfires. Under Safer Together — our approach to reducing the risk of bushfire in Victoria — we will see fire agencies working together with local communities, to find the best mix of strategies to reduce bushfire risk locally. These include fuel management, rapid suppression, evacuation planning and household preparedness.

In 2015, the Andrews Labor Government delivered on its election commitment to prohibit cattle grazing for any purpose in the Alpine National Park and the River Red Gum national parks. This was based on scientific evidence that grazing does not reduce bushfire risk on a landscape scale in these environments, but does impact on the ecological values that those parks are there to protect.

On 8 November 2016, a representative from the Department of Environment, Land, Water and Planning (DELWP) spoke on 3AW Melbourne about the progressive phasing out of grazing licenses on public land in the vicinity of the Yellingbo Conservation Area by 2018. This is in accordance with recommendations made by the Victorian Environmental Assessment Council's Yellingbo Investigation Final Report.

The representative referred to the possibility that DELWP may issue riparian management licences to landowners to access and manage the land. This could include using grazing as a land management tool for purposes such as targeted weed control, and only where the grazing will not impact on ecological values. Fuel management was not mentioned as a possible purpose.

A community led process to assess and manage bushfire fire risk in the Yellingbo Conservation Area will begin in December; with support from two independent fire experts, Kevin Tolhurst from the University of Melbourne and Justin Leonard from CSIRO, along with DELWP, Parks Victoria and Melbourne Water.

### **Malmsbury Youth Justice Centre**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 6 December 2016

#### **RESPONSE:**

I am informed that the incidents to which the Member refers were recorded in line with department policy, did not result in a category one incident and were referred to Victoria Police as appropriate.

The process by which ministers are advised of Category One incidents is the same as under the previous Coalition Government. Ministers do not make operational decisions in relation to specific offenders.

Our government has funded an additional 41 new youth justice worker positions and undertaken new recruitment processes to have a pipeline of applicants that will see a further 60 staff recruited this year in order to improve the safety of staff and young offenders youth justice centres. Recruitment is underway to strengthen the youth justice workforce, including additional frontline unit staff to bolster coverage of day to day operations. Behaviour that jeopardises the health and safety of vulnerable young people and staff is unacceptable and not tolerated. Any suspected criminal behaviour is reported to police for investigation and actions are taken to protect the wellbeing and safety of clients.

The Victorian youth justice system is held accountable through a range of oversight and monitoring processes, including regular visits to the precincts by the Victorian Ombudsman and the Office of the Commissioner for Children and Young People.

Earlier this year our government passed legislation to strengthen the oversight powers of the Commissioner for Children and Young People.

The Commissioner now receives all reports of serious incidents in Victoria's youth justice centres.

### **Parole reform**

**Question asked by:** Mr O'Donohue  
**Directed to:** Minister for Corrections  
**Asked on:** 6 December 2016

#### **RESPONSE:**

The Coalition failed to implement 6 of the 23 measures when leaving office in 2014.

Work is underway on the final outstanding recommendation, the case management system, which is partially implemented.

Implementation of the electronic database was completed in 2014.

Phase 1 of the electronic case workflow system was delivered in December 2015 and improved the conduct of the Adult Parole Board hearings.

Phase 2 deliveries are scheduled for mid-2017 and will significantly improve the accessibility and completeness of electronic information available for hearings.

Development is ongoing because of the need to align the system with related criminal justice IT activities. This is necessary to ensure integration with related departmental systems.

Phase 3, which is the final phase of the project, will deliver the integration elements and introduce further workflow process efficiencies by the end of 2018.

### **Water policy**

**Question asked by:** Mr O'Sullivan  
**Directed to:** Minister for Agriculture  
**Asked on:** 6 December 2016

#### **RESPONSE TO SUBSTANTIVE QUESTION:**

We promised to consider the feasibility of using the Sugarloaf Pipeline in both directions to provide additional water security under climate change scenarios or drought conditions. And that's what we've done.

This is not a secret business case — it has been reported on by the media and key findings are available on the DELWP website.

By 2065 streamflows to some catchments could reduce by about 50 per cent, and this will have a significant impact on our farmers, communities, industry and the environment.

The study has shown us that with additional works to existing infrastructure, water could technically flow from south to north — but it would require extra capital investment.

This option remains on the table if needed in the future to support irrigators and communities in the north of the State.

We will continue to investigate all options to improve water security and availability through the Victorian Water Grid—which is strongly supported by the Andrews Government.

Existing arrangements remain in place, meaning water will not be sent to Melbourne from Northern Victoria.

Melbourne water entitlements in Lake Eildon continue to be made available for irrigators in the north on the water market.

As we have with all major water infrastructure projects, we will continue to work in partnership with the Victorian Farmers Federation to meet the needs of irrigators.

### **Member for Footscray**

**Question asked by:** Mr Ondarchie  
**Directed to:** Minister for Small Business, Innovation and Trade  
**Asked on:** 6 December 2016

#### **RESPONSE TO SUBSTANTIVE QUESTION:**

The responsibility of the allocation of roles lies with the Premier. That said, I reiterate the government is fortunate to have someone with a depth and breadth of policy experience in trade & innovation to propel Victoria to greater heights.

### **Autism schools**

**Question asked by:** Dr Carling-Jenkins  
**Directed to:** Minister for Training and Skills  
**Asked on:** 6 December 2016

#### **RESPONSE:**

Western Autistic School offers a short term intensive program for early years primary students. Every student from Western Autistic School transitions to an appropriate setting at the end of grade three with transition support provided by Western Autistic School. All students have the right to enrol in their local government mainstream school where a full range of supports will be provided. Some students may be eligible to attend another specialist setting, such as Warringa Park School or Jennings Street School for Autism. Whilst the student you speak of does meet the eligibility criteria for enrolment at Jennings Street School, there are currently no vacancies at the student's age level. The student is eligible to attend Warringa Park School which provides a fully tailored and supported program for students with a dual diagnosis of Intellectual Disability and Autism Spectrum Disorder. Alternatively this student can attend their local mainstream school where support and adjustments to meet the student's needs will be provided.

With over 580 000 students in more than 1520 government schools, Victoria has a strong and vibrant education system that celebrates diversity, and is committed to supporting the achievement and participation of all students.

The Department is committed to delivering an inclusive education system that ensures all students have access to a quality education that meets their diverse needs.

The Department provides a range of policies, programs and resources for schools to support the delivery of high quality schooling for all students, including students with disabilities. These resources may be provided in the Student Resource Package of funding that is delivered to each school, as well as through student support services including psychologists, social workers, youth workers, speech pathologists and visiting teachers or through specific early identification and intervention programs. The Program for Students with Disabilities is one such form of provision available to schools.

### **Portland energy supply**

**Question asked by:** Mr Purcell  
**Directed to:** Minister for Agriculture  
**Asked on:** 6 December 2016

#### **RESPONSE:**

The construction and operation of nuclear power plants and associated facilities is prohibited in Victoria.

### **Youth justice centres**

**Question asked by:** Ms Springle  
**Directed to:** Minister for Families and Children  
**Asked on:** 7 December 2016

#### **RESPONSE:**

I have not previously asserted that lockdowns and isolations are not used in youth justice centres. The use of lockdowns and isolations are operational decisions made by my department. It is sometimes necessary for young people to be isolated or for youth justice units to be locked down due to imminent security or safety risks to themselves, others or the security of the centre. The Children Youth and Families Act 2005 and departmental procedures guide these practices. In addition, 'the Victorian youth justice system is held accountable through a range of oversight and monitoring processes, including regular visits to the precincts by the Commission for Children and Young People.

As I have previously advised, the Grevillea Centre operates as any other youth justice centre and standard procedures do not involve 20 hours of lockdown per day. Where a young person displays consistent or extreme violence or destructive behaviour that has continued despite attempts to prevent it, their separation may be appropriate and a management plan is put in place.

Issues in relation to the detention of young people at the Grevillea Centre are the subject of legal proceedings to be heard in the Supreme Court commencing on 12 December 2016. As such, it would be inappropriate to comment on any specific details relating to matters to be considered by the Court.

### **Barwon Prison**

**Question asked by:** Ms Springle  
**Directed to:** Minister for Families and Children  
**Asked on:** 7 December 2016

#### **RESPONSE:**

I am not involved in making decisions relating to the transfer of young people between youth justice centres, including the Grevillea Youth Justice Centre. Such transfers are operational matters for determination by the Secretary of the Department of Health and Human Services or her delegates.

By agreement with the Victorian Aboriginal Legal Service, a process has been implemented where Aboriginal young people will not be transferred to the Grevillea Youth Justice Centre without the Secretary of the Department of Health and Human Services seeking advice from the Commissioner for Aboriginal Children and Young People that the proposed transfer is in the best interests of the young person, or without a further order of the Supreme Court. If the Commissioner provides advice that a proposed transfer is not in the best interests of a particular young person, and the Secretary considers that the transfer is necessary, the Secretary would be required to persuade the Supreme Court to authorise the transfer.

### **Child protection**

**Question asked by:** Ms Wooldridge  
**Directed to:** Minister for Families and Children  
**Asked on:** 7 December 2016

#### **RESPONSE:**

I am advised that the VCAT matter referred to in today's Herald Sun was related to a refusal to grant a Working with Children Check by the Department of Justice and Regulation (DOJR). The Attorney General has responsibility for the Working With Children Check legislation. I am advised the Secretary of DOJR will seek leave to appeal VCAT's decision to the Supreme Court. The VCAT decision does not mean the applicant can open a child care centre.

I am further advised that DET is not aware of an application to operate a child care centre having been made by the person referred to in the Herald Sun story. The member is therefore posing a hypothetical situation.

Anyone seeking to open an education and care service such as a childcare centre in Victoria must apply to the Department of Education and Training, the regulator of early childhood services, to become an approved provider.

The Department conducts an assessment of an applicant's fitness and propriety to determine whether they are a suitable person to operate a childcare service. This process not only involves verifying their current working with children check but also a review of their current criminal record, an interview and written tests designed to ensure their suitability to run an childcare service.

In Victoria applicants are also required to provide any relevant qualifications and a detailed work history including referees.

Any applicant who is unable to demonstrate that they are a fit and proper person and safe to be in the company of children will not be granted provider approval.

A criminal history check is a key component of the assessment of fitness and propriety. Pending charges and matters that have gone before the courts, including any penalties applied are considered. In particular, any offences against children or of a violent nature would raise significant questions about a person's suitability.

### **Vocational education and training**

**Question asked by:** Ms Fitzherbert  
**Directed to:** Minister for Training and Skills  
**Asked on:** 7 December 2016

#### **RESPONSE TO SUBSTANTIVE QUESTION:**

In order to achieve the Andrews' Government's commitment to crack down on low quality training providers, the Department of Education and Training has taken a range of enforcement actions over the last two years, exercising its rights against registered training organisations who have breached their contractual obligations in delivering government-subsidised training to Victorian students.

Occasionally, training providers have disputed decisions taken by the Department under the VET contract. Since 1 January 2015, five training providers have commenced significant legal challenges against the Department as a result of disputes regarding the Victorian Training Guarantee contracts.

**RESPONSE TO SUPPLEMENTARY QUESTION:**

Since 1 January 2015, the Department of Education and Training has settled two cases. The provisions of the Deed of Settlement provided that the terms of the settlement will be kept confidential.

Wherever a decision to settle is made, it is done in the interests of the Victorian taxpayer, after carefully weighing all relevant information, including available resources and prospects of success.

**Aviation training**

**Question asked by:** Ms Bath  
**Directed to:** Minister for Training and Skills  
**Asked on:** 7 December 2016

**RESPONSE:**

Based on industry feedback received in mid-November and associated supplementary evidence of positive employment outcomes associated with this course, the Certificate II in Aeroskills was re-included on to the Funded Course List.

As outlined at the time of the Skills First reform announcement, the Funded Course List will be regularly updated. Courses initially excluded from the list can be reviewed and re-included, should they be found to be of value to industry now and in the future, as was the case with Certificate II in Aeroskills.

**Barwon Prison**

**Question asked by:** Mr O'Donohue  
**Directed to:** Minister for Corrections  
**Asked on:** 7 December 2016

**RESPONSE TO SUBSTANTIVE QUESTION:**

The Grevillea Youth Justice Centre, established on de-gazetted land within Barwon Prison, is managed by the Department of Health and Human Services (DHHS), and staffed by DHHS staff.

There are clear lines of responsibility in place, and DHHS is ultimately responsible for all operations within Grevillia, not Corrections Victoria.

As such, your answer should be directed to the Minister for Youth Affairs.

**Malmsbury Youth Justice Centre**

**Question asked by:** Ms Crozier  
**Directed to:** Minister for Families and Children  
**Asked on:** 7 December 2016

**RESPONSE:**

I am advised that there has been no change in procedure in relation to the administration of medication to young people detained at the Malmsbury Youth Justice Centre. Practice instructions are in place and applicable across all youth justice facilities to ensure that medication is administered safely, including staff taking reasonable steps to observe that medication has been taken.

My department has advised that a young person at the Malmsbury Youth Justice Centre, who had been separated in his room due to unsettled behaviour, was to receive medication. As per standard procedures, efforts were made by

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COUNCIL

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staff to confirm the medication had been taken, however it was found the next day in the young person's room. There was no stockpiling of medication. Health services were advised and the young person did not experience any adverse effects.

