

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-EIGHTH PARLIAMENT**

**FIRST SESSION**

**Wednesday, 17 August 2016**

**(Extract from book 11)**

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# HANSARD<sup>150</sup>



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**

(from 20 June 2016)

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016] . . . . .	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
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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

### 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, #Ms Hartland, #Mr Purcell, #Mr Ramsay, Ms Shing, Mr Somyurek, Ms Tierney and Mr Young.

**Standing Committee on Legal and Social Issues** — Ms Fitzherbert, #Ms Hartland, Mr Melhem, Mr Mulino, Mr O’Donohue, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, 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**

**President:**

The Hon. B. N. ATKINSON

**Deputy President:**

Mr K. EIDEH

**Acting Presidents:**

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

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**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 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	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin <sup>3</sup>	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	VILJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
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Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

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

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

<sup>3</sup> Resigned 27 May 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; VILJ — Vote 1 Local Jobs



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**Wednesday, 17 August 2016**

The **PRESIDENT** (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

**RULINGS BY THE CHAIR****Constituency questions**

The **PRESIDENT** — Order! Yesterday Mrs Peulich had a constituency question which I indicated I would need to consider the *Hansard* on to determine whether or not that question should stand. It is my decision that that constituency question will not stand; I am ruling it out. Apart from anything else, the first and foremost issue is that it actually did not ask a question; it sought an action rather than asked a question, so it fell outside the scope of a question. The matters that were raised in the question also did give me some cause for concern, and I indicated that perhaps there were other mechanisms to explore those matters if the member felt that they needed to be explored.

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

Auditor-General's Report on Enhancing Food and Fibre Productivity, August 2016 (*Ordered to be published*).

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

Boroondara Planning Scheme — Amendments C246 and C247.

Cardinia, Casey, Hume, Maribymong, Mornington Peninsula and Towong Planning Scheme — Amendment GC53.

Knox Planning Scheme — Amendment C148.

Moreland Planning Scheme — Amendment C134.

Mornington Peninsula Planning Scheme — Amendment C192.

Nillumbik Planning Scheme — Amendment C106.

South Gippsland Planning Scheme — Amendment C65.

Whitehorse Planning Scheme — Amendment C187.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule No. 97.

Statutory Rules under the Road Safety Act 1986 — Nos. 98 and 99.

**MINISTERS STATEMENTS****Aboriginal children and young people**

**Ms MIKAKOS** (Minister for Families and Children) — I rise to update the house on the Andrews Labor government's action to meet our commitments to Aboriginal self-determination, particularly around decision-making for children. Last week I announced a \$5.33 million funding package to help develop cultural support plans for Aboriginal children and young people in out-of-home care. We want Aboriginal children to feel safe and strong. Staying connected to their proud cultures and community is the key to them developing a strong sense of identity and wellbeing. The Andrews Labor government is funding 18 new cultural positions at 11 Aboriginal community-controlled organisations as well as a statewide coordinator. The cultural planners will put together tailored support plans for Aboriginal children and young people in out-of-home care. Funding will also support brokerage funding to enable cultural support plans to be implemented for Aboriginal children. This will include camps and sport, return to country programs and other activities that connect young people with their culture. We are also funding new online resources that support cultural planning, working with Aboriginal organisations to build stronger futures for young people.

These initiatives are being rolled out in partnership with our Aboriginal community-controlled organisations and with the commissioner for Aboriginal children and young people. This funding is part of the \$16.5 million investment in the 2016–17 Victorian budget to support vulnerable Aboriginal children and their families. It forms part of the \$168 million package for child and family services to progress our reform agenda outlined in *Roadmap for Reform — strong families, safe children*, our once-in-a-generation overhaul of the child protection and family services system.

**Youth engagement**

**Ms MIKAKOS** (Minister for Youth Affairs) — I rise to update the house about a new funding round for rural and regional local government youth engagement grants. Local governments in rural and regional Victoria are encouraged to apply for funding of up to \$30 000 for strategies and initiatives that increase the involvement of young people in planning and community decision-making. Last year I was proud to announce seven successful local councils, which included the Rural City of Wangaratta, for a program that gave local young people living with a disability more opportunities to get involved in that community. This year we are giving more young Victorians in rural

and regional areas a chance to have a greater say in the decisions that affect their local communities.

As we all know, young people are our future, and they want to be heard. The program will empower young people to voice their own unique ideas and concerns and play an active role in shaping the communities in which they live. We know that young people can face challenges in participating in community decision-making. The rural and regional local government community engagement program targets young people from multicultural backgrounds, young people in areas of low socio-economic backgrounds and LGBTI young people.

It was great to see Legislative Assembly member Geoff Howard out on Monday at the Centre for Multicultural Youth's regional office at Ballarat, meeting with local young people and encouraging that council to get involved. As an active member in his community Geoff has always been a big supporter of getting more young people involved in his local community.

The new grants round follows our government's youth policy and engagement strategy announced earlier this year, which is redefining the ways young people have a chance to be heard so that they can help shape the issues that matter to them. It is important that young Victorians are embedded in the decision-making process. It is part of more than \$8 million that our government is putting into new youth participation and engagement programs. We are making sure that all young Victorians can be engaged across the state and that all young Victorians have an opportunity to contribute to their local communities.

## MEMBERS STATEMENTS

### Disability services

**Dr CARLING-JENKINS** (Western Metropolitan) — I rise today to express my shock and sadness at the killing of 19 people with disabilities at a Japanese residential care home on Tuesday, 26 July, over our winter break. This tragedy can only be described as a hate crime deliberately targeting people with disabilities. The man arrested for the stabbings, who killed 19 people and injured 26 others, had written a letter to the Japanese government. Part of that letter said, and I quote:

My goal is creating a world in which euthanasia can be given to people with multiple disabilities — in cases where it is extremely difficult for them to live at home and be socially active — with the consent of their guardians.

Euthanasia and assisted suicide are dangerous expressions of ableism, something which many people with disabilities and their supporters will never give up fighting against.

Closer to home, I attended a protest with disability rights activists against the screening of the film *Me Before You*. One of the activists said that euthanasia in Victoria will never be voluntary while people with disabilities live with disadvantage and live in poverty. She urged the Victorian government to first concentrate on empowering people with disabilities to live as full citizens — to live well, with dignity — before considering any form of assisted dying legislation.

### Greyhound racing

**Ms PENNICUIK** (Southern Metropolitan) — Legislation is progressing through the New South Wales Parliament to end greyhound racing in New South Wales by 1 July 2017. The Greyhound Racing Prohibition Bill 2016 passed the New South Wales Legislative Council on 10 August; it is due to be debated in the New South Wales Legislative Assembly next Tuesday, 30 August. Yesterday I asked the Minister for Racing whether the government was conducting a thorough review into the culling of greyhounds as recommended by the racing integrity commissioner under his own-motion inquiry, given the lack of in-depth analysis of the extent of culling of greyhounds in Victoria in comparison to the analysis of the New South Wales special commission of inquiry into greyhound racing, which goes for 8 chapters and 205 pages. I look forward to the response from the minister, due tomorrow.

Following my question the Minister for Agriculture, by way of Twitter, suggested that I have not fully read the Perna and Milne reports. I have, and I take no issue with the reports given the very limited time and brief available for them to conduct them.

Perna concentrated on live baiting but mentioned culling on page 90 under 'Ancillary issues'. Milne concentrated on governance structures and mentioned overbreeding and culling on approximately five pages. Neither report looks at this issue in any depth or provides a full analysis or recommendations, except for the racing integrity commissioner calling for a thorough review and the chief officer recommending options that may be effective to reduce the numbers of greyhounds being bred. We know that 4000 greyhounds are culled every year; that is 48 000 in the last 12 years. The extensive analysis of the issues of so-called wastage in the report of the special inquiry concludes that the scale of the problem is immense and simply out of control.

This is why the New South Wales government has taken the action that it has.

### Veterans mental health services

**Mr RAMSAY** (Western Victoria) — It is fitting that my members statement will highlight an urgency — a call to arms — for government leadership to respond to a growing mental health crisis in our armed services among personnel who have seen active war service. It is appropriate that I raise this issue on the eve of the 50-year anniversary of the Battle of Long Tan, where our Vietnam veterans fought so bravely and, sadly, 18 lost their lives. It is the hidden tragedy that, as well as the many infamous battles over many wars, needs acknowledging — and that tragedy is post-traumatic stress disorder (PTSD).

A play written by Bernard Clancy and directed by Wolf Heidecker has been showing at the Potato Shed in Drysdale over the last week. It is a gritty play called *Foxholes of the Mind* that tells the story of war veterans, young and old, whose minds are battle scarred. PTSD is becoming a silent killer. On the weekend the *Sunday Herald Sun* reported that this year over 41 military personnel and veterans — the same number of Australians who were killed in Afghanistan during the whole 13 years of war — have died, and those deaths have been linked to PTSD. This is a national mental health problem that our governments need to respond to as a matter of urgency. This is a play that should be seen by our Canberra bureaucrats and politicians.

As Bernard said, while we honour our dead we should also fight like hell for the living, and that means providing more support for our PTSD sufferers — not just Vietnam veterans but those young women and men who served in theatres of war in Iraq, Afghanistan and elsewhere. I also note that figures show that 40 per cent of Australian Defence Force patients suffer from PTSD.

### St Charbel feast

**Mr ELASMAR** (Northern Metropolitan) — I was delighted to attend the annual celebration of the feast of St Charbel on Saturday evening, 9 July. I have attended this annual event for several years, and each time the celebratory feast for St Charbel increases in size and representation from Lebanese associations and business and community groups. This year did not disappoint. There were about 500 people in attendance. The function raises funds for much-needed projects and programs run by the Maronite Catholic Church in Melbourne. I would like to thank Father Alain Fares for his ongoing commitment to providing essential

counselling and guidance for Lebanese youth in the northern suburbs of Melbourne.

### Darebin City Council

**Mr ELASMAR** — On another matter, on Monday, 25 July, I attended a private briefing provided by the mayor of the City of Darebin, Cr Vince Fontana, and the CEO, Mr Rasiah Dev, regarding Darebin's 2016 financial plan. I was unable to attend the normal scheduled briefing due to unforeseen circumstances. I would like to thank the Darebin council for its continued vision and support of its residents and ratepayers. The plan shows foresight and determination to enhance the lives of future inhabitants of this vibrant city.

### Tree removal

**Ms DUNN** (Eastern Metropolitan) — On too many occasions over 2016 the actions of this government have led to the unnecessary removal of trees. The collateral damage is racking up, including the lemon-scented gum on Flemington Road, which has gone for the CityLink-Tulla widening project. For the elevated rail project hundreds of trees have been cleared or will be cleared with sparing or no information shared with locals in communities that value these trees. The Blackburn grade separation has seen trees on private property slated for the chainsaw. For the Western Highway duplication there is the bulldozing of large old trees and very large old trees, far more than even estimated in VicRoads's dubious environmental — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Ms Dunn, from the top. Thank you.

**Ms DUNN** — Thank you, President. On too many occasions over 2016 the actions of this government have led to the unnecessary removal of trees. The collateral damage is racking up. The lemon-scented gum on Flemington Road has gone for the CityLink-Tulla widening project. The elevated rail project has seen hundreds of trees cleared and plans for further trees to be removed, with sparing or no information shared with locals in communities that value these trees. The Blackburn grade separation has seen trees on private property slated for the chainsaw. The Western Highway duplication has seen the bulldozing of large old trees and very large old trees, far more than even estimated in VicRoads's dubious environmental impact assessments.

My office has received dozens of complaints about tree removals on major infrastructure projects. Community

members are angry that they are not adequately consulted, that there is insufficient information about the tree removals up-front and that state authorities, such as the Level Crossing Removal Authority and VicRoads, do not provide answers or stymie inquiries until after the trees in question are gone.

Why is tree removal the standard practice instead of the last resort? Why are alternative alignments for transport infrastructure not considered to save these significant trees? Why is the weighting and value of a tree so low even though it may provide irreplaceable amenity and rare habitat and is part of the fabric of a community? Too frequently the removal of trees is done with little regard for alternatives. A distinction needs to be made between needless tree removal and absolutely necessary tree removal. Over the past 12 months when it comes to infrastructure projects in Victoria, needlessness has reigned.

### **Elevated rail proposal**

**Mrs PEULICH** (South Eastern Metropolitan) — I also wish to make mention of the needless removal of absolutely hundreds and hundreds of trees along the length of sky rail and in particular those parts that fall within the South Eastern Metropolitan Region. The Greens were, regrettably, happy to support sky rail, and implicit in that of course is their support therefore of the consequence — that is, the removal of hundreds and hundreds of trees, devastating the environment of the south-east.

### **Multi-faith parliamentary briefing**

**Mrs PEULICH** — I would like to thank the faith leaders who participated in the Parliamentary Friends of the Multi-faith briefing in this chamber, supported by a number of MPs across the parties. They were briefed on a number of issues including euthanasia and Safe Schools, amongst others. I would like to thank the Australian Christian Lobby for its assistance in the organisation of the briefing along with the attendees from the Jewish, Buddhist, Sikh and Hindu communities as well as many Christian groups.

### **Indian Independence Day**

**Mrs PEULICH** — I would like to congratulate India on its celebration of its Independence Day on Monday, 15 August, the day it achieved its nationhood in 1947. I thank the many community organisations who put on events to mark this occasion.

### **Consul General for Egypt**

**Mrs PEULICH** — I would like to bid farewell to Mr Khaled Mohamed Youssri Rizk, the Consul General for Egypt, and his family, who are departing Melbourne after having served their community well. The diaspora of the Egyptian community is a wonderful contributor to our multicultural Victoria.

### **Battle of Long Tan commemoration**

**Ms TIERNEY** (Western Victoria) — As we approach the 50th anniversary of the Battle of Long Tan on 18 August, Vietnam Veterans Day, I am pleased to congratulate two students from western Victoria who have been selected to take part in the 2016 Vietnam history study tour. The students, Lauren McIlveen of Camperdown College and Georgia Perris of Horsham College, are among 10 Victorian students to receive this award. The western Victorian community is very proud of their achievement. They were selected after submitting a project that reflected the topic of ‘the controversial Vietnam War’ and the issues that promoted debate amongst the nation at that time.

Almost 60 000 Australian troops were involved in the Vietnam War between 1962 and 1973, and more than 500 lost their lives. The war bitterly divided the Australian community, which was split over military conscription and the way in which the war was fought — rich material indeed for Lauren and Georgia in researching their project. In later years we have understood much better how the Vietnam War has impacted on the lives of Vietnam veterans and the difficulties they faced as young service personnel in a most controversial war. We also understand that their service has resulted in ongoing health concerns for so many. Above all, we acknowledge their sacrifice.

The Andrews Labor government is helping Victorian schools send students to the Vietnam Veterans Day march and service at the Shrine of Remembrance by providing free public transport to students and subsidising schools for the costs of travel. The Vietnam War history tour is supported by the Victorian government and delivered by the Victorian branch of the Vietnam Veterans Association of Australia. These are important initiatives, along with the work of students such as Lauren and Georgia, in informing young people of the contribution our Vietnam veterans made. I wish Georgia and Lauren well on their very exciting venture.

**The PRESIDENT** — Order! I remind members that there is a commemoration service recognising the service of the veterans of the Vietnam War at the Shrine of Remembrance. It has been determined that the Parliament will not meet until 2.00 p.m. tomorrow to allow members to attend that service at the shrine.

### **Darebin community monument**

**Ms PATTEN** (Northern Metropolitan) — On 17 July I was privileged to take part in the unveiling of the Darebin community monument to honour all the victims of genocide and other atrocity crimes. This was a decade in the making. I thank especially Sofia Kotanidis, who worked tirelessly to make this a reality.

In my electorate of Northern Metropolitan Region, the City of Darebin is a mosaic of cultural diversity and interaction, and this was beautifully reflected in the unveiling ceremony, where representatives from over a dozen ethnic groups spoke and sang. The memorial creates a common space for the community to remember and honour all victims of genocide and atrocities, regardless of race, religion, sex, language, origin, sexuality or nationality.

Whether contemplating the suffering inflicted on our first peoples or remembering those victims of trauma overseas, this monument provides a place for communities to reflect and memorialise past and present victims. I hope that this memorial in Ray Bramham Gardens stands as a reminder of not only the pain we are capable of inflicting but also the love and strength of spirit in those who survive and grow from these traumas.

### **Shepparton Festival**

**Ms LOVELL** (Northern Victoria) — Over the past 20 years the Shepparton Festival has blossomed into a major regional arts calendar event and is now made up of a diverse program with many free events, so it is truly a community event for everyone. The former Liberal government provided the festival with its first multi-year agreement, which was due to expire this year. I am thrilled that the lobbying efforts of the Shepparton Festival committee and myself were successful in obtaining a further \$300 000 in Creative Victoria funding to secure the Shepparton Festival's future for the next four years.

### **Doyles Road, Shepparton East**

**Ms LOVELL** — I am happy to update the house on the status of the Doyles Road roundabout upgrade project in Greater Shepparton. This is a project that was

initiated by the former Liberal state government and funded jointly by both the state and federal Liberal governments. The \$7.5 million dual-lane roundabout and lane duplication project is nearing completion, and the roundabout is now open to traffic after being partially closed for some time. Our community and the trucking industry have been very patient during the construction phase of this project, and we will now all benefit from a better and safer intersection thanks to the Liberals' investment.

### **Functional Foods Global**

**Ms LOVELL** — I was proud to be invited to officially launch Functional Foods Global's Nutura formula for infants and toddlers in July. While we all know that breast is best for babies, for those mothers who need infant formula it is great to have high-quality products like Nutura, and with everything that is happening in the dairy industry at present it is wonderful to see companies like Functional Foods Global expanding into new dairy products. I would like to congratulate Yossi Spigler and Jeremy Okraglik and wish them well for the future.

### **Battle of Long Tan commemoration**

**Mr MELHEM** (Western Metropolitan) — I join my colleagues also to pay respect to soldiers and veterans of Vietnam conflict. President, tomorrow, as you said, marks the 50th anniversary of the Battle of Long Tan, in which 108 brave Australian soldiers faced over 2000 of the Viet Cong and which resulted in 18 Australian soldiers being killed and 24 wounded, as well as 245 Viet Cong killed and 350 wounded. This battle basically demonstrated the spirit of Australian soldiers in the various conflicts and showed how strong they were, with 108 facing over 2000. They were able to hold their positions and clear the place until support from other units came in, and that is one of the major accomplishments.

We should also remember that there were 521 soldiers killed in that conflict and over 3000 wounded and that 61 000 Australian military personnel served in Vietnam. A lot of these people in the last 50 years have taken their lives, and that has posed questions about how much support we as a nation provide to our military personnel. That is still happening with recent conflicts, so I will join my fellow colleagues to basically say that we cannot do enough to support our soldiers and our veterans. I think they deserve our support. Lest we forget — and let us hope we can do the best we can do to support them.

### Benalla nurses

**Ms SYMES** (Northern Victoria) — I would like to use my members statement today to pay tribute to nurses. Specifically I would like to start by congratulating Ms Claire LePlastrier on her retirement from Benalla Health. Claire was a nurse in Benalla for nearly 30 years. She was a constant feature of the accident and emergency department of the hospital and therefore very often the first face people saw when things may have gone very wrong for them. She would respond with much care and comfort to people in the most traumatic of times.

Country hospitals rely heavily on highly skilled nurses. Very often it is their expertise and the quality of their work that is the difference between life and death, with them often providing the necessary emergency care in the time that it can take for the GP on call to arrive. Claire was there at countless incidents and no doubt saved many lives. Claire was also a theatre nurse and along with surgeon Michael Long formed a formidable and incredibly well-respected surgery team that helped thousands of people over the years. Remarkably Claire is the mother of seven, including two sets of twins, and it was not until her youngest — my good friends Kieran and Julian — went to school that she embarked on her nursing training. What an inspirational role model she is, and her experience paved the way to her being a fantastic mentor to young emerging nurses.

On behalf of Benalla residents I would truly like to thank Claire for her dedicated professional service to the health and wellbeing of our community. She has earned her retirement, and I wish her all the best. Like Claire, many country nurses more often than not know the patient they are caring for and are personally affected by the suffering and grief impacting them and their families, so they are very special people to country areas.

My grandmother, and Symes matriarch, passed away in the Benalla hospital on Monday evening. I am sure that Hazel and her family — all 30 of us who rotated through the bedside and the sitting room over four days — are incredibly grateful and have unlimited admiration for the support and care of Benalla nurses. They made a very difficult time all that much easier, and I thank them very much.

### Carlton & United Breweries maintenance workforce

**Mr LEANE** (Eastern Metropolitan) — A couple of months ago Carlton & United Breweries (CUB) appointed a new labour hire company at their

Abbotsford plant. The new labour hire company proceeded to sack the whole maintenance workforce and then offer them their jobs back, if they were prepared to apply, at 65 per cent less salary than what they were on previously. These are 55 maintenance workers, electricians and fitters and some apprentices as well who are skilled workers and who have the skills to keep that particular plant running, as they have done for a number of years.

Any fair-minded person would think this is an outrageous way to treat anyone and a crazy way to treat a skilled workforce. Being an electrician who has worked on construction sites and on roads and has also been part of a maintenance crew, I know that maintenance electricians are completely unique and skilled workers. I cannot understand why any company would treat them in this way. Knowing the Electrical Trades Union as I do and knowing the electricians down there, I think CUB needs to come to some sort of sense, reappoint the workforce and treat them in a way that they deserve as the skilled workers that they are.

## JOINT SITTING OF PARLIAMENT

### Legislative Council vacancy

**Ms WOOLDRIDGE** (Eastern Metropolitan) — I move:

That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Damian Drum and proposes that the time and place of such a meeting be the Legislative Assembly on Wednesday, 17 August 2016, at 6.45 p.m. or, at the latest, on Thursday, 18 August 2016, at 4.45 p.m.

I quote:

... a government that refused to convene a joint sitting would deservedly be held in contempt by the Victorian public.

Those were the words of former Labor Leader of the Government in this place John Lenders when he spoke on clause 9 of the Constitution (Parliamentary Reform) Bill 2003, a clause to establish the joint sittings when a casual vacancy occurred in the Legislative Council. He said at the time, and I quote again:

I am happy to go on the public record and be held accountable for that for the rest of my parliamentary career, however long it may be. There is no issue about that.

...

It would be a formality and would be done promptly and courteously.

I have to say it is an absolute pity that John Lenders is not still in this house today. He would be very concerned to see what is happening under this Labor government.

Thirteen years on, what we are seeing from the Andrews Labor government is a complete farce. It has stooped to the lowest, grubbiest political level not even contemplated by any other state Labor governments of the past and certainly not contemplated by the leadership of the Labor Party who instituted the constitutional reform that we live under today. There have been eight members of Parliament since 2006, since these changes, in this place who have come in under a casual vacancy — four of them as members of the Labor Party, four of them as members of the Liberal and National parties.

In fact two of them are enjoying time in this chamber today — Mr Cesar Melhem and Ms Melina Bath. All of them were afforded the courtesy and respect, established through the passing of this legislation and upheld each and every time, of a prompt joint sitting once their preselection had been endorsed and advised to you, President. There was a prompt joint sitting to enable them to be sworn into this house and be able to begin representing the constituents whom they had been chosen to represent.

What we are seeing from the Labor Party is that this action sends a message not just to the coalition, not just to the Greens or the crossbenchers, but to each and every Victorian, especially those in the Northern Victoria Region, that members of this government are more about themselves and the political games they wish to play than making sure that representation happens as it is meant to happen under the constitution, as has happened traditionally each and every time this situation has been faced. They are prepared to put their own personal political objectives ahead of representing Victorians in this place. It is all about them. It is about those on the government benches and those who pull the strings in the Labor Party.

I think Victorians are actually waking up to the fact that the government is prepared to abandon them. They will take the vote at election time but they will walk away afterwards on so many matters, and today the failure of the government to support a joint sitting is just another example of that. Obviously I am speaking not only as the leader of the Liberal Party but also importantly as the Leader of the Opposition on behalf of my Nationals colleagues and, I would put forward, on behalf — and I am sure they will speak as well — of all of those who are not on the government benches and who are at risk

from a government that is clearly prepared to play politics in this situation.

Not only has this government proven to be a wasteful and factional divided government, but now it is proving to be a nasty and vindictive one as well. But I suppose if it is prepared to throw two of its own ministers under the bus, it is just a small step further to throw Victorians under the bus in so many different ways and, as we see today, by not allowing them to have their representative sworn into this Parliament.

This is a fairly straightforward motion. This is a motion that should not be before the chamber today. Luke O'Sullivan was preselected by the National Party to fulfil a vacancy left by the resignation of Mr Damian Drum. President, you have written yourself that he is fully qualified to fulfil the role and I am confident he will do an excellent job in representing those constituents in northern Victoria. What we are seeing is that not only has the government not undertaken a joint sitting, but it has taken the coalition to initiate and now debate a motion that the endorsed nominee should be sworn into this Parliament. It is absolutely astounding. The endorsed nominee should be able to commence representing the half a million northern Victorians within his community that he has been selected to represent. It is an absolute disgrace that the Andrews government is playing these games.

This is a government that is deliberately and purposely preventing an endorsed nominee from accessing the capacity to represent those constituents by being sworn in, by not having access to an electorate office, by not even having parliamentary email, by not being able to set up business cards and letterheads, all of those basic steps, and by not even being able to formally speak to the Department of Parliamentary Services. It is an absolute outrage that such a normal and respected process that we have had, a good tradition and a good process, is being circumvented by the Labor Party for purely political purposes.

I encourage all members of this chamber to support this notion and I am confident that many on the other side, some of whom have actually experienced this process themselves, have a lot of sympathy for this motion. I ask them to consider very carefully as they vote on this motion.

It is, importantly, about the representation of those half a million Victorians in northern Victoria, but it is also a very personal reflection for all members. Being elected to this place, being nominated for this place, is an incredibly exciting time. You think about the future. You think about the contribution you want to make and

will make. It is about the debates. You think about being able to represent and be a further champion for your community.

On a very personal level this government is also constraining the capacity of an endorsed nominee from being able to undertake the work that they have been chosen to do. But first and foremost this is about 500 000 Victorians who do not have representation in this place by their fifth member, a member of The Nationals. There are no other Nationals in the upper house in the Northern Victoria Region, and they deserve to have their representative given the capacity to be working in their interests through being sworn into the Parliament.

The Labor government's breaking of a very long held practice and convention of this Parliament for an action which is in fact in no way connected speaks volumes about those who sit opposite. Let me be very clear on my view of the comments that were made yesterday by the Deputy Leader of the Government: the suspension of the Leader of the Government for breaching multiple orders of the Council is in no way related to the need to fill a vacancy in the Council at the earliest opportunity. The two issues that the Labor Party is connecting are in no way connected at all. This is about fulfilling a process outlined in the constitution which enables a member who has been duly nominated to fill a vacancy to do that and to commence representing and advocating on behalf of their community. This is what we are facing today.

Yesterday, I have to say, was a very dark day in this chamber's history, when the government refused a motion that would enable a casual vacancy joint sitting. I think today members have the capacity to right a wrong. I strongly support this motion before the house, and I encourage others to do so. It is appropriate. It reflects the traditions and the practices of this place, and importantly it will enable representation of half a million Victorians in northern Victoria by the fifth member of the upper house, as they are entitled to have.

**Ms PULFORD** (Minister for Agriculture) — We are not going to cop this rank hypocrisy from the opposition. Ms Wooldridge comes in here crying crocodile tears about the voters of Northern Victoria Region while evidently not giving a hoot about the voters of the south-eastern suburbs of Melbourne. Yesterday Leader of The Nationals Peter Walsh's dummy spit failed to recognise that indeed it was his own colleague, Damian Drum, who checked out of here back on 29 March, almost five months ago, yet Mr Drum and Ms Bath from The Nationals on more

than one occasion voted to exclude Mr Jennings for an unprecedented and extraordinary six months.

*Honourable members interjecting.*

**Ms Symes** — On a point of order, President, I am sitting next to the member who is on her feet and am struggling to hear her over the interjections from the other side. We on this side respectfully sat through and did not interject while listening to Ms Wooldridge on this important matter, and I would implore the same courtesy for this side of the house.

*Honourable members interjecting.*

**The PRESIDENT** — Order! It actually is a point of order, and it is one with which I concur. This is, from my perspective, a very significant matter, and there is therefore an added responsibility of members of the house to give and accord it the gravity that it really deserves. As Ms Symes correctly says, Ms Wooldridge's contribution went without interjection. The government is entitled to respond. It is giving the house the courtesy of its views. I agree that Ms Pulford should be heard in silence.

**Ms PULFORD** — As I was saying, National Party MPs in this place — Mr Drum and Ms Bath — have on more than one occasion voted to exclude Mr Jennings for an unprecedented six months, an extraordinary period of exclusion from this house, so it does seem to me that The Nationals only care when it is in their own interests. Their efforts yesterday to claim some sort of high moral ground on this were pathetic.

As I said yesterday, the government remains more than prepared, willing and ready to have a sensible dialogue with the opposition about these matters, but every effort to do so to date has been frustrated, every attempt has been rebuffed. Frankly, what we have found is that — —

**Mr Finn** interjected.

**The PRESIDENT** — Order! Thank you, Mr Finn. I understand the member is already leaving the chamber and that would be advantageous to all of us at this point.

**Ms PULFORD** — And what we have found is that what the Leader of the Opposition in the Legislative Council says and what the Leader of the Opposition does cannot be reconciled. We know that the Leader of the Opposition does not really want to be here, but every attempt by the Leader of the Opposition to wreck this place has been unsuccessful. The attempts of those opposite to frustrate our legislative program have not

been successful. Almost every piece of legislation that goes through this house is closely interrogated, but every bill that the government has presented to the upper house has been passed, so the efforts to frustrate the government lie elsewhere, and this is what we have been seeing in so many different manifestations over the last 18 months. What the opposition failed to recognise is that the upper house is different now. We have 8 parties across only 40 people. There is no majority, there is no group that commands a majority, so we are all required to work together constructively.

The opposition has shown a complete lack of goodwill and a total lack of interest in the good functioning of this chamber. The Leader of the Opposition comes in here and lectures us about courtesy and goodwill, yet you need look no further than the notice paper for debate scheduled for later this day on proposed changes to sessional orders. Again, it is an example not of what we will do with you but of what we can do to you. Again, this is being served up to the government without discussion, without any attempt — any meaningful attempt — to reach agreement — —

**Ms Wooldridge** — Without discussion? We had a Procedure Committee meeting!

**Ms PULFORD** — Well, the matters that were discussed at the Procedure Committee are a different set of matters to the ones that are being discussed today.

*Honourable members interjecting.*

**Ms PULFORD** — So the Liberal Party and their friends in the Greens, with the rule of 21, while we are invoking the memory of John Lenders — —

**Mr Barber** — On a point of order, President, I know you have already ruled on this in regard to the ceaseless interjection, but I just think from the perspective of where we sit those barking members perhaps do not understand the importance of the precedent that is being set here today. The debate that is occurring needs to be properly recorded by Hansard, and it also needs to be properly heard by all members, including myself, who are going to have to respond. I know you have already ruled — and I am not telling you how to do your job in any way — I am just emphasising that it is very important that we are all able to properly hear and understand what it is that the member on her feet is saying.

**The PRESIDENT** — Order! I again agree with the sentiments expressed by Mr Barber, and I would indicate to the house that my tolerance has worn very thin.

**Ms PULFORD** — I note Mr Barber's comments. These are serious matters. It has been the practice of non-government parties for the life of this Parliament to show a flagrant disregard for the traditions of this place, and I think it is incumbent upon all of us to take a better approach and a more responsible approach.

I respond to Ms Wooldridge's comments about Mr O'Sullivan and his desire to join us in this place. I would indicate that we feel no ill will towards Mr O'Sullivan and it is an extraordinary contrast to the remarkable and unrelenting personal attack on Mr Jennings, somebody who, as members in this place know, has a deep commitment to transparency, a deep commitment to reforming the structures and functions of government and the Parliament to make government more accountable and to make government better. He is a leader of the government in this place who has had a very consistent form over his entire parliamentary career on these matters. I would add to that that we have released more documents than any other government in the state's history.

I also do not intend to speak to this matter for a long time other than to restate a number of things that were canvassed in the debate preceding question time yesterday. It is a longstanding tradition that the Leader of the Government in the house moves the motion to establish a joint sitting, and that is what we would like to have happen.

The hypocrisy from the opposition on this is breathtaking. Our offer to sit down and have a meaningful dialogue with the opposition to progress all of these issues is a standing offer. We seek a sensible resolution to these issues. We would very much invite the opposition to put their rhetoric into action and to make some constructive and sensible suggestions about how we can proceed. This is an extraordinary thing that the opposition have done in seeking to suspend the Leader of the Government for six months for fulfilling his responsibilities as a sworn member of the executive. That is why he was not here yesterday. That is the only reason why he was not here yesterday. That is why he did not move the motion yesterday.

**Mr BARBER** (Northern Metropolitan) — This is a most serious matter, and at times like this it is good to go back to the Constitution Act 1975 itself and actually read the relevant provisions, think about the plain meaning of the words contained, apply common sense if possible and as much as possible take off your political or loyalty hat and simply read the words in a common-sense way, applying to the background knowledge that we have in relation to how this great

parliamentary system of ours has survived and delivered for so long. Let us start with:

27A Filling of casual vacancies in the Council

- (1) Subject to this section, if a casual vacancy occurs in the seat of a member of the Council, a person must be chosen to occupy the vacant seat by a joint sitting of the Council and the Assembly.

The provision then goes on simply to talk about who, by what method they are to be put forward and a range of rather technical sorts of matters.

That first clause with the word ‘must’ does not really envisage any alternative option but the two houses with all possible expediency getting together to do this precise thing. I do not believe the people who drafted this, or where similar provisions occur in other parliaments, ever considered the possibility of one house, the house being controlled by the government, simply refusing to step up and do the constitutional requirement, hence the word ‘must’ — it is not an option, it is simply a procedure that has to be complied with.

Why would the constitution apply such a power and then leave it to two houses that on other matters often find themselves in conflict? There is a very simple-to-understand principle at stake here, and that is of the comity of the two houses. The two houses in this Parliament have equal and separately exercised powers, privileges and immunities, and there are a number of safeguards in terms of practice that prevent those two bodies from coming into head-on collision. For example, this house from time to time requests members of the other place to either attend the chamber or attend a parliamentary committee, but we have no ability to force that member to come here because that other house has the equal power to order that member not to come here.

If we look at something such as the sub judice rule, we see that is another example of comity between different parts of the constitutional system. First of all, we do not address matters in this chamber that are subject to the courts because we do not wish to prejudice what they are doing. That part, I think, is well understood by everybody — perhaps except Senator-elect Hinch, who thinks he is going to change things when he hits the federal Senate. But the other part of that principle is the principle of comity, and we do not actually want to in any way interfere or make it more difficult for the court to deliver its particular function.

It is important to understand that while we have certain powers, privileges and immunities that we seek to

exercise, we would never want to exercise them in such a way that would prevent the other house from exercising theirs. By the same token, we have seen in the federal Senate many moons ago a parliamentary inquiry into the Victorian casino established. That inquiry did not get very far because they realised they would have to be calling members of the Victorian Parliament to answer their questions — yet again the comity between the Senate and the state house. In that instance — and I believe that Senator Kim Carr was on that committee along with Senator Sid Spindler — they understood very quickly that they needed to holster their guns and step back slowly, otherwise they were going to create an irreconcilable and incredibly damaging game of chicken between two different houses, one in the federal Parliament and one in the state Parliament, that were going to separately exercise their powers. So I believe it is very damaging that the principle has been breached in such an important way.

There are other instances where that principle, or at least the smooth working of joint matters between the two houses, needs to carry on if certain important parts of our system that add value to the system are to continue operating. That is a fundamentally different question to the question of how this Legislative Council deals with one of its own members, and that is what we have been doing in relation to Mr Jennings. To briefly recap, we passed resolutions calling on the member to do certain things, deliver certain documents. The member refused to do that, and in an attempt to coerce — not punish, but coerce — that member to comply with the resolutions of the house he has been suspended from the house. But he himself has the key to re-enter the house whenever he wants. He needs to deliver those documents or at least deliver some more information that the house requires until that satisfies the house.

There have been some plaintive remarks from the government seeking the cooperation of the opposition in relation to those documents. Not all those documents were sought by members of the opposition. In fact it was the members of the Greens who sought some of those documents. If the government wants to come and have a chat with the Greens about what would satisfy the spirit of their original documents motion, that is something it could do at any time. But it appears on this matter that while the government is outraged about the length of the potential suspension, it is actually much more keen on keeping secrecy around those documents and establishing its ability to continue to govern in large part in secret than it is on actually having its own member returned to the chamber. So some of that rings a bit hollow to me, but I was not intending to prosecute that entire matter here today.

This is a very difficult and damaging development by, in this case, the government-controlled Legislative Assembly, because should this motion even pass here today, there is nothing we can do to actually force the Legislative Assembly to cooperate with a joint sitting. I do not believe that even in a court of law there would be any way to order the Legislative Assembly to vote in a certain way. Members should soberly understand exactly what a problem this view by the government that it will not cooperate with this constitutional provision actually creates. It creates a huge problem for the constitutional system.

The suspension of Mr Jennings does not create a problem for the constitutional system unless the Leader of the Government would like to appeal the matter to a court of law and attempt to have some sort of judicial review. But it appears he accepts the powers of this chamber to suspend a member. If he did not accept that the power exists, then he could perhaps engage in a sit-in on the floor of the chamber. That would bring the matter to a head fairly quickly. But we do not want to end up like one of those dodgy overseas parliaments, with members brawling across the tables with each other. We are here to resolve society's broader conflicts, not actually create new ones, and so far I am not seeing any claim by the government that the house's power to suspend a member in these circumstances actually does not exist. They are not challenging the existence of that power. They are just simply disagreeing with the manner and occasion of its exercise, whereas they should very much be considering whether the Legislative Assembly has the power or in any appropriate circumstance that they should read the constitution to say that they can simply refuse to carry out the requirement of section 27A.

You do not have to think very far to imagine how out of control this could become. Heaven forbid that any member in this place gets hit by a bus on the way home tonight — and that could be a member of any party; it could even be a member of the government party — who then, through some circumstances we cannot envisage, would have to be replaced using the same mechanism. And would it be appropriate to then keep knocking out members from taking up their seats in Parliament in that way?

I think I should avoid speculating about why it is that the government has formed its view. It seems like a tit-for-tat measure. I do not want to delve more deeply into the political motivations for it. Anyone can accuse anyone in this place of having a simple political motivation. I have tried to keep it to the question of constitutional requirements and the great risks of thumbing one's nose at those requirements.

What I would say to the opposition and to The Nationals, whose member it is who is affected in this current instance, is that they should not take this lying down. They should not simply pass a motion and bang on about it. There should be further action taken. The Greens are not on any of the joint committees, but the opposition, who are — —

**Ms Pennicuik** — I am. I am on a joint committee.

**Mr BARBER** — Correction: Ms Pennicuik is on one of the joint committees. But the opposition might want to think about withdrawing its members from those joint committees. I mean, that is a joint function duly exercised by the two houses, but in that instance the committees themselves cannot meet without an upper house member present. They would be inquorate. Likewise the opposition ought to seriously think about why they are continuing to just wave through government legislation when we have this fairly major constitutional issue to resolve here. I know withdrawing their labour is not one of the strong suits of the Liberal Party — it is not the thing they first move to; Labor members would be a lot more familiar with that — but they ought to seriously consider why we should continue to cooperate with the lower house when that house is also simply willing to thumb its nose at or ignore the constitutional requirement that it has here in section 27A. Beyond that I have not turned my mind to what other options are open to this chamber in exercising its powers.

The government, I think, has painted itself into a corner here. Their demeanour and their action and the way they have talked about this suggests they feel more and more cornered. The situation could probably get a lot worse for them if they are not prepared to look at the state of the rules and the longstanding principles that have underpinned our system.

In the recent election there was an ever larger vote for micro-parties — parties that, when you look at what they are standing for, you see are effectively anti-system parties, parties that by nature of their issues or ideology feel like the current system simply is not delivering. That has caused some difficulties for the whole of the Australian community — when there is a group of parties there whose commitment is not to deliver the outcome they want via the system but are running in order to get a foothold in the system which they believe fundamentally is not delivering. The rhetoric that goes with that is that the system is broken. That is somewhat contradictory for them when they find themselves part of it, but at the same time I think all political parties ought to sit up and take notice at the ever-increasing vote by and for movements whose

members think that the system no longer works for them.

That is an even greater reason why I think those of us who have made it into this place — and I certainly accept the legitimacy of everybody who has made it into this place — ought to be doing all they can to protect, shore up and in fact champion the elements of the system. The Westminster system has been an incredibly effective system for resolving differences. It did not just get dreamed up by some think tank overnight. It was developed over many, many years of British history, including interruptions over the centuries by several incredibly bloody civil wars, which were as bad as any we see around the world today. The elements of the system came out of that enormously painful series of conflicts, and we ought to all respect that and learn the lesson of that and do the best we can to protect the system that so far has proven itself one of the best in the world for resolving conflicts democratically as opposed to through the resort to violence.

I am not suggesting violence is about to break out in Victoria, but there are some worrying signs that an ever-increasing part of the electorate is starting to break away from the view that we have a healthy democracy in Australia and to attempt by one means or another to more or less overthrow it and replace it with some system that they cannot articulate for us. Any member who has made it into this place by fair and democratic means ought to be part of maintaining that system. I think that while passing this motion is not going to have any direct impact on the Legislative Assembly, it is nevertheless an opportunity for members to state where they stand. I think this is an incredibly important precedent that is being set here that will no doubt be looked at by other parliaments.

**Mr BOURMAN** (Eastern Victoria) — It will please Mr Barber to hear that I am not here to break the system; I am here to support the system. I rise in support of the motion. There is no hypocrisy from the Shooters, Fishers and Farmers Party in this. We have got no skin in this game. We voted against having Mr Jennings thrown out for such an extraordinary amount of time. This is our opinion on the system, on the institution of Parliament.

Basically we appreciate how the government feels, but these are two separate issues. The issue of having Mr Jennings thrown out for an extraordinary time is separate from the issue of having a nominated representative at least admitted to the Parliament, for want of a better term. Ironically enough, it is a Nationals member, and the Nats were the only people

to object to our registration. It is water under the bridge, but you cannot really say this is a case of us sticking up for our buddies. What is the colloquial term — frenemies, or something like that? We will call them competitors.

This should be a formality. This should be a case of us having our joint sitting, with that member for Northern Victoria Region going over there — that is, of us getting on with it and moving on, and the issue of what happens to Mr Jennings being resolved however it will be resolved, because what is going on now is not going to fix it. That is for sure. It is just denying a whole lot of people their representative.

The point has been made. It is time to get on with it. I will keep this brief. We are going to support the motion regardless of whether it gets up in the other house or not. It is just time to get on with business.

**Motion agreed to.**

## **CRIMES AMENDMENT (CARJACKING) BILL 2016**

### *Statement of compatibility*

#### **Mr O'DONOHUE (Eastern Victoria) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 ('charter act'), I make this statement of compatibility with respect to the Crimes Amendment (Carjacking) Bill 2016 ('the bill').

In my opinion, the bill, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

#### Overview of the bill

The bill creates new offences of carjacking and aggravated carjacking with a 15 and 25-year maximum imprisonment respectively. The bill also creates a statutory minimum term of imprisonment of three years for adults for a conviction of carjacking and five years for adults for a conviction of aggravated carjacking.

#### Charter rights that are potentially relevant to the bill

Protection from cruel, inhuman or degrading punishment (section 10)

In my opinion, the bill does not limit these charter act rights. The proposed amendments introduce appropriate sentences to effectively deter the serious crime of carjacking.

The bill amends the Sentencing Act 1991 to introduce statutory minimum sentences for adult offenders found guilty of carjacking or aggravated carjacking. Specifically, the bill requires a term of imprisonment to be imposed and a

minimum non-parole period to be fixed by a court of three years for the offence of carjacking and five years for the offence of aggravated carjacking.

In my opinion, the statutory minimum sentences introduced by the bill do not limit the protection from cruel, inhuman or degrading punishment, as they do not compel the imposition of a grossly disproportionate sentence.

The bill contains safeguards that protect against the imposition of a sentence of imprisonment that is inappropriate, unjust or disproportionate, including the availability of full sentencing discretion where a court is satisfied of the existence of a special reason in relation to an offender or the particular circumstances of a case as set out in section 10A of the Sentencing Act.

In my opinion, these amendments do not limit the right set out in section 10.

Right to a fair trial (section 24)

Section 24 of the charter act provides that a person charged with an offence has the right to have the charge decided by an independent and impartial court after a fair hearing.

While the bill prescribes the minimum sentence for adults for the offences of carjacking and aggravated carjacking, the court has discretion to impose any sentence within the parameters of the minimum and maximum sentences.

Furthermore, as outlined above, clause 4 of the bill aligns the statutory minimum sentencing provisions with those in the Sentencing Act 1991 for other offences, such that limited exemptions apply as set out in section 10A.

I therefore conclude that the bill is compatible with the rights set out in the charter act.

I consider that if there are any limitations of charter rights, those limitations would be reasonable and demonstrably justified pursuant to section 7(2) of the charter act.

Hon. E. J. O'Donohue  
Member for Eastern Victoria Region

*Second reading*

**Mr O'DONOHUE** (Eastern Victoria) — I move:

That the bill be now read a second time.

The purpose of the Crimes Amendment (Carjacking) Bill 2016 is to provide for the new indictable offences of carjacking and aggravated carjacking.

Victoria is in the grip of a crime wave. Crime is up over 12 per cent in the year to 31 March 2016 and many in the community are living in fear.

The Andrews Labor government has sent the wrong message to offenders by weakening the justice system and failing to recruit enough police to keep our streets safe and has allowed police stations to either be closed or have their opening hours cut.

Carjackings were, until recently, virtually unknown in Victoria. In fact, according to the Crime Statistics Agency, the number of crimes that fit the matrix of a carjacking has increased by 80 per cent in the last year alone, up from 95 to 171 offences.

Unlike New South Wales, Victoria does not have a specific offence of carjacking or aggravated carjacking. This needs to change.

For many months, Victorians have almost woken daily to news of yet another carjacking incident.

Enough is enough.

Therefore, the Liberal-Nationals coalition is taking action where the Andrews Labor government has failed to act.

Clause 3 of the bill creates the new offences of carjacking and aggravated carjacking with sentences of 15 and 25-year maximum terms of imprisonment, respectively.

Clause 4 amends the Sentencing Act 1991 and creates a statutory minimum term of imprisonment of three years for adults for a conviction of carjacking and five years for adults for a conviction of aggravated carjacking.

Victorians should not be fearful of driving their cars on our streets and these crimes must be dealt with to send a strong message of deterrence to would-be offenders.

Additionally, but separately to this bill, Victoria Police not only requires desperately needed additional frontline resources to deal with the crime wave, something the Andrews Labor government continues to fail to deliver, but also more specifically targeted legislative provisions to better address the problem.

That's why the Liberal-Nationals coalition has introduced this legislation, and we look forward to the Parliament acting in the interests of community safety and passing the bill.

**Debate adjourned on motion of Ms SYMES (Northern Victoria).**

**Debate adjourned until Wednesday, 24 August.**

## CORRECTIONS AMENDMENT (NO BODY, NO PAROLE) BILL 2016

*Second reading*

### Debate resumed from 24 February; motion of Mr O'DONOHUE (Eastern Victoria).

**Mr O'Donohue** — On a point of order, Acting President, I am unclear what is going on. This is a very important piece of legislation that deals with victims of crime — it is about putting the interests of victims first — and no-one from the government seems prepared to even discuss this bill. I would like clarity about exactly what is going on.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Minister Dalidakis is in the chamber, and he will clarify that.

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — I appreciate the opportunity to speak to this motion of my colleague in this house Mr O'Donohue.

**Mr O'Donohue** — On a point of order, Acting President, we are not debating a motion. We are debating a piece of legislation.

**Mr DALIDAKIS** — Yes, the legislation that you are putting up, Mr O'Donohue, if you want to be technical.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! The minister, to continue.

**Mr DALIDAKIS** — I was actually about to say some nice things about Mr O'Donohue, but if he wishes to begin in this manner, I am happy to continue. His choice.

The fact of the matter is that the government obviously will not be supporting this bill; we will be opposing it. However, at the same stage it is important to note that we think that there is merit in what Mr O'Donohue is proposing. We think that there is an opportunity to work together to make this type of legislation workable. We believe that at this point in time it is not. We want to make a number of comments, and I will do that through my contribution.

The first one of course is that the issue of no body, no parole is a very, very sensitive one for those families of victims of crime and their friends and other loved ones. We want to make sure that knowing the location of the body or remains of a loved one is the right of every family of a victim of crime, of a deceased person, so

they can be aware of that. We think that that is obviously something that we should be very sensitive to — that is, that the families of deceased persons are rightly entitled to the basic human dignity of a funeral for their loved ones. It is a difficult, sensitive and very complex issue before us, but at the same time we think that the reform should strengthen the consideration of the prisoner's cooperation in locating the body or the remains of the victim without diluting the paramount consideration of community safety. The government will look to deal with this matter in a more comprehensive manner and in a way to ensure respect for victims of crime and their families going forward. We think that — —

**Ms Wooldridge** interjected.

**Mr DALIDAKIS** — I will take up the interjection of the Leader of the Opposition, who said that we have had some time to do this. They had four years; they did nothing in four years. That is why they are in opposition now. If they want to try and grandstand and try and pretend that they now have all the answers, the fact of the matter is that for four years they did nothing — nothing on this particular issue, not one thing. Mr O'Donohue can try and grandstand, Ms Wooldridge can try and grandstand and Mr Ondarchie can try and grandstand, but the fact remains that we are — —

**Mr Ondarchie** — On a point of order, Acting President, going to relevance, it is somewhat sad that the government chooses to trivialise the matter before us today. This is a very serious matter, a matter that affects many Victorians and their families. I ask you to bring the minister back to the substantive matter before us rather than his seeking to politicise what is a very important and sensitive matter to all Victorians.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I believe the minister was responding to the interjection, but I still call the minister back to the same issue.

**Mr DALIDAKIS** — Thank you, Acting President. I was speaking about the grandstanding from those people opposite. They had four years to do something and they did nothing. Now they come in here and suggest that somehow they are better than us, when we are dealing with this matter in a very sensitive way. We think that we should work together and try and get an appropriate outcome. We think that there is merit in what Mr O'Donohue is proposing. We are prepared to happily acknowledge that and see what we can do in terms of working together, but we just do not think that the way that Mr O'Donohue has proposed it is the best

way forward. That opposition members then suggest that somehow we are trying to make light of such a sensitive and serious issue is appalling. It is appalling. It just shows why they are not fit to be in office at the moment. This is an attempt to politicise what is a sensitive issue and one that we are prepared to work on with those opposite, so for them to try and politicise it is truly deplorable. Do you know what? We have come to expect it from them. Time and time again when they have had the opportunity to work together with us, they have chosen the low side. They have chosen to go down the path of least return, to politicise and to grandstand. It is not a surprise.

What we have seen, however, is the opposition's parole legislation raise several issues about how that purpose is best achieved. Despite media reports, it is important to note that the opposition's bill in fact does not apply to cases of manslaughter. That is just one area amongst a number that the government is prepared to consider. The legislation of those opposite is deficient. They want to come into this house and suggest that they can be all things to all people, but when they propose legislation that is deficient, it is our job to say we can improve it. That is not a slight on Mr O'Donohue. As I said from the outset, we are keen to try and work together to see an appropriate outcome that provides a degree of justice for the families of victims of crime and an opportunity that is sensitive and that gives them the dignity of being able to undertake some kind of funeral service with the remains of their loved ones. This is a very, very important issue and, as I said, the government continues to remain ready to try and work for the right outcome. We just do not believe that the legislation as it sits before us actually does achieve that. That is all.

This is not an opportunity for us to try and attack what Mr O'Donohue has done. Again, we think that there is merit in it and we think that there is good faith in it, so it disappoints me greatly that Mr Ondarchie and others attempt to either make ridiculous points of order or yell things across the chamber that indicate that the government is prepared to do anything other than work to get an appropriate outcome for the families and loved ones of victims of crime.

It is important to reflect on the fact that sentencing courts currently consider the impact of the offending on victims and their families and that destroying or concealing the body or remains of a victim makes the crime worse, which is of course reflected in the sentence. The opposition's bill gives significant weight, though, to the police assessment of the offender's cooperation, and by doing so curbs the Adult Parole Board of Victoria's discretion. Evaluating cooperation can be quite a complex task to undertake. Some

prisoners of course may not have the capacity to cooperate due to medical conditions, including mental impairment or dementia. It comes with at times a very subjective decision-making process as to what we do and how we do it.

Ultimately the reform should strengthen the consideration of the prisoner's cooperation in locating the body or the remains of a victim without diluting the paramount consideration of community safety. Again, at their behest, the issue of justice for the families and loved ones of victims of crime remains paramount. The issue of justice in terms of being able to provide a burial or a funeral for that victim remains absolutely paramount, but the way forward is to be able to work through the myriad complexities of this issue. It is not a simple issue. It is indeed quite complex, and the government has indicated, as I have already, that we would like to look at how we can strengthen that, which is why we are not prepared to support this piece of legislation. That is not indicating that we are not prepared to support our own piece of legislation, which we think will deal with the flaws of this bill, which I have already started to point out.

It is worth pointing out that, as I am advised, the opposition's bill applies to approximately seven prisoners in prison right now. None of these prisoners, as I am advised, will be eligible for parole within the next 12 months. That provides us with a degree of time to work through these issues and to be able to draft legislation that deals with the deficiencies in the bill proposed by Mr O'Donohue. It gives us an opportunity to work through the difficulties faced and the complexities vis-a-vis the parole board and otherwise. Of course, as I have already indicated, the opposition's bill is limited to murder. It does not apply to other killers that fall within the judicial system. So we think there is an opportunity, as I have said, to strengthen the bill to fix up its deficiencies, to make it work better, to make it a function more appropriately and to deliver justice where justice has been denied.

I have indicated that the bill only applies to murder. It does not apply, for example, to other killings such as manslaughter, arson causing death or culpable driving. There are opportunities for us to look at other parts of the judicial system and of course expand it from what is a relatively narrow definition by the opposition within this current legislation. My understanding, by the way, is that 'no body, no parole' legislation has recently been passed in only two other jurisdictions in this country, both of which have been untested thus far. Those two jurisdictions are the Northern Territory, which obviously has had a level of complexity placed upon it by recent media coverage of policies implemented by

the Northern Territory government that are less than satisfactory, and South Australia. They are the only two jurisdictions where this 'no body, no parole' law exists.

These laws have been untested so far, so there is no precedent which we can refer to with that legislation in its current form. Let me also point out that in both of those two jurisdictions those laws only apply to murder at this point as well. Our argument with the opposition's legislation as proposed would be the same as with those two jurisdictions: they should be more expansive, they should be more considered and they should look at other opportunities to be more inclusive, not exclusive. Minister Herbert has just entered the chamber. I am sure Minister Herbert will go into greater detail.

The fact remains that we want to make it very clear that this is not an issue or a case or a piece of legislation that we are wanting to politically pointscore on. We are not trying to grandstand on this legislation. We are simply saying to Mr O'Donohue that we think that we can work better with a different piece of legislation that ultimately achieves a similar but not exactly the same outcome. The reason for that, as I said, is that we would like to expand it beyond murder and that we think there are other issues that need to be addressed in the legislation that are not simple.

**Mr Ondarchie** interjected.

**Mr DALIDAKIS** — Mr Ondarchie continues to interject. Maybe it is a good time when I am reflecting on what is not simple to suggest to Mr Ondarchie that he actually reflect on his own behaviour. This is a very serious piece of legislation. The fact remains that on such a serious piece of legislation the government has already indicated that we are prepared to work with the opposition on an appropriate legislative outcome, but we do not believe that the one presented by Mr O'Donohue actually gets us to that point. I am not sure what greater levels we can go to as a government to indicate that we would like to see this come to fruition.

Again I reflect on the fact that, as best as I am advised, there are currently seven prisoners that this legislation relates to — seven. None of those seven has parole coming up within the next 12 months. As a result of that, we believe that we have a period of time presented to us to actually get legislation correctly drafted that appears to address some of the shortfalls that Mr O'Donohue's legislation has and our misgivings of it. I am not criticising Mr O'Donohue for the legislation that does not necessarily cover those issues. We are pointing them out and saying that we believe that we

can achieve a better outcome by getting different legislation pushed forward by the government in both the Legislative Assembly and here in the Legislative Council that can address some of the concerns that Mr O'Donohue has raised — and hopefully take it further.

In considering this matter — and it is a very serious matter — of course the government has sought advice from the Department of Justice and Regulation and from the adult parole board. Victoria Police has provided information to the Department of Justice and Regulation regarding this matter. So this is not an ill-conceived and ill-considered proposition that the government has entered into. This is one that we have given extensive thought and consideration to.

I want to reiterate and I want to labour this point, because I think it is probably the most significant point in this debate: we all want justice for the families of victims of crime. We all want the sense of closure that a funeral can provide and that burying the remains of loved ones can provide, in a sense, in the grieving process and a sense of closure to what would have been no doubt a hideous crime for them to experience as a loved one. I can say, fortunately, neither myself nor anyone that I know in my immediate family has ever had to deal with such a crime or incident, and I would dread the incidence of our family having to do so. I deeply sympathise with all those people that do sadly experience such grieving through such an attack on somebody they love.

So we want to get to the point. We do not think this legislation is the vehicle that helps us to get to that point. We want to make sure that there is justice for victims. We want to make sure that there is justice for families. We want to make sure that there is closure and that the remains of the victim are provided for complete closure in relation to the experience — the unfortunate, dreaded experience — for those left to go through that process.

So in summary, victims of crime and their families deserve respect absolutely and unequivocally, but the new laws should also not bring false hope to them. A law of this type will not necessarily bring them the closure that they are looking for, but we need to make sure that the law we are talking about and that is implemented gives us a degree of confidence that what will be provided in terms of information about the remains of the murdered or the deceased is able to actually get us to that point. The issue is sensitive and complex, as I have said, and it is only right that the government consider and bring forward a more comprehensive reform rather than support this bill that I

have indicated we believe is flawed in the nature of what it is proposing to do and the nature of how it is proposing to do it.

Furthermore — and I have repeated this a number of times in my contribution — while there is merit in having stronger laws so that murderers and other killers in prison are not released on parole if they do not help to locate the body or remains of a victim, there are significant flaws in the no body, no parole private members bill as moved by Mr O'Donohue. That is why I wish to finalise my remarks by again indicating the government's preparedness to work towards drafting a piece of legislation that meets the standard that we believe the public expect of us, that also meets the desire as proposed by Mr O'Donohue in the opposition's bill, that pays respect to the families of victims of crime and that does not treat this as being of a somewhat simplistic nature, because it is a complex issue that we are dealing with. We wish to indicate we will oppose this bill but look to working towards drafting a different bill that covers off the deficiencies that I have already raised in my contribution.

**Ms PENNICUIK** (Southern Metropolitan) — I am pleased to speak on the Corrections Amendment (No body, no parole) Bill 2016 that has been put forward by the opposition shadow Minister for Corrections, Mr O'Donohue, on behalf of the coalition. With respect to the things that I would like to say about this bill, I would say that the name of the bill I think is provocative. I say that in the context of many other bills that are brought into this place with slogans in brackets rather than just a straight-out name as to what the bill is about. I think that is unfortunate in terms of this bill and in terms of many others that we see coming here. I have made this comment at other times about bills that have come before the Parliament either as private members bills or as government bills. I think that is a practice that probably should be disallowed and that bills should be just named in a straightforward manner, without putting emotional or other aspects in brackets in the name of the bill.

This is a reasonably simple bill that makes additions to the Corrections Act 1986 with regard to particular conditions that the Adult Parole Board of Victoria should be able to consider. In fact, technically, with regard to the purposes of the bill, the bill would insert a new section 74AAA after section 74 of the Corrections Act. In a nutshell, the bill would make it mandatory that parole would be denied to a person convicted of murder or conspiracy to murder unless the board is satisfied that that prisoner has cooperated satisfactorily in the investigation of the offence to identify the location, or

the last known location, of the remains of the victim of that offence.

I would like to say at the outset that Mr Dalidakis mentioned that the number of prisoners this would apply to is very small, and I mentioned this in a very brief discussion that I had with Mr O'Donohue about the bill earlier this morning — that it would apply to very few people. That is, of course, good. We would not want to see this applying to a great number of people. But we all know and have seen in the press the trauma and distress caused to families when the body of their loved one has not been found — sometimes many, many years after the offence has been committed — and the offender has been either unwilling or unable to provide that information. The Greens acknowledge the considerable distress that those families continue to be in and acknowledge what the member said, that they are trying to assist families to reach closure with regard to these matters where a person has been murdered, a person has been convicted of that murder and the body has never been found. But I am not sure that this bill will actually achieve that aim, if that is the aim of the bill, because there are three fundamental problems and some ancillary problems with this legislation as it has been presented.

Firstly, it takes away the discretion of the parole board to consider this issue, which the parole board would always consider. I go back to the reforms that were put in by the previous government when the shadow Minister for Corrections was the Minister for Corrections and there were serious problems identified with the parole system. Certainly the Greens in this place — and I had many conversations with Mr O'Donohue about these issues — supported the reforms that were put in place largely as a result of the Callinan review of the operation of the adult parole board.

But one of the key things that Justice Callinan said was that there was an overload of work at the adult parole board; that there was not good information flow between the department, the police and the adult parole board so they did not always have the information before them; and that there was an under-resourcing of the staff of corrections and the secretariat staff of the adult parole board, leading to mistakes being made. There was also the issue that was raised by him and also by the Greens of the separation out of the consideration for parole of serious violent offenders from the rest of the vast bulk of offenders who were not classed as serious violent offenders and the need to separate those out and to give much more attention to the serious violent offenders.

As I understand it, these practices have now been remedied and that is happening. So the adult parole board, faced with one of these cases, would have before them all the information. They would know, for example, as Mr Dalidakis said, that the sentencing judge would have taken into account the very serious matter of the non-location of a body and that would have been an aggravating factor in the sentence applied to that person, so that person would have received a higher sentence because of that. So I think this is a matter that the adult parole board would already take into account.

I also put into context that in the reforms introduced by the previous government that we did support there was no automatic review by the adult parole board once a person became eligible for parole, which was a practice in the past. Now a person has to apply for parole. A person in this situation applying for parole, I would assume, would have some legal assistance and would be being advised that in applying to have that parole agreed to in circumstances where they were not cooperating it would go against them, in terms of the considerations of the adult parole board. I am basically saying I think this is unnecessary because I think the adult parole board would already take this into account.

I want to go to the second-reading speech on the bill by Mr O'Donohue, which I am surprised was so short, given the seriousness of the issue that we all agree we are looking at here. I was surprised that it did not go into any detail really as to the rationale for the provisions of the bill. Notwithstanding what might be in the explanatory memorandum, usually a second-reading speech will go into some level of detail and explain not just, as an explanatory memorandum does, what a provision does but the rationale for the provision. So I am quite surprised at the shortness of the second-reading speech. I go to the third paragraph of that. It says:

... when it comes to parole and the justice system, as a community and as a Parliament we must always look for ways to better protect the community, hold criminals to account and put the interests of victims at the heart of the decision-making process.

I am very supportive of victims being part of the parole system, and they already are part of the parole system under the Corrections Act. The adult parole board is already required, under sections of the act, to take into account victim impact statements and victim statements when it is considering a parole application. But I was surprised to read 'put victims at the heart of the decision-making process', because we spent a lot of time in the last Parliament discussing what should be at the heart of the decision-making process of the adult

parole board, and we all decided and we all agreed strongly that the paramount consideration was the safety of the community. That is the paramount consideration; that is now enshrined in the legislation following all the problems that were identified by the Callinan review and other reviews and the lengthy deliberations of this Parliament on these issues. I was surprised to see that. As important as it is, it is not at the heart of the decision-making process for the adult parole board; what is, by agreement of everybody in this place, is community safety.

I will go back to one other of my three main concerns, which is whether this bill is going to actually achieve what the shadow minister is suggesting it will — and that is, that it will provide closure. Even if this provision was inserted into the Corrections Act, it would not mean that that information will ever be found out. A prisoner could continue to not provide the information. I will go to some of the points Mr Dalidakis made about why that might not happen. It might be that the prisoner is incapable of providing or does not have the full capacity because of mental health or other issues to actually provide that information. There is also the potential subjectivity of the police. I do not want to cast aspersions on the police; I am sure they would do their best to find out that information. There is also the possibility that people in that position, a small number of offenders, may through their own mental health issues send the police on wild goose chases and further upset the families of the victims.

The other thing is that at the end of the day, whether or not the person gives that information, the person will be or could be released at the end of their sentence without having given that information and without in fact being on parole. That is not a desirable situation in terms of community safety. What we must always remember from all of the conversations we have had about parole over the last few years — and keeping in mind the, in some cases, catastrophic mistakes that have been made in releasing people on parole — is that the whole system of parole is there for a reason. That is that people, when they are found to be eligible and are not a community safety risk, are actually released on parole so they can be overseen, supervised and assisted to reintegrate into the community with the hope that they will not be a reoffender. We do not want a situation where people, in particular murderers or people who have committed serious violent offences, are not released on parole and are just released post-sentence with no supervision.

Of course a lot of this is covered by the serious sex offenders legislation where there is a process in place to deal with those people on detention or supervision

orders. So a lot of this is covered off, but my point is that if the aim is to get information, I do not think this bill is going to get that information.

Another fundamental problem with the bill is the inclusion of the offence of conspiracy to murder. A person may have been convicted of conspiracy to murder and have absolutely no idea where a body may be located. They may have been involved in the conspiracy to murder or convicted of it without that knowledge as a result of any number of particular actions they may have taken which may have nothing to do with the actual commission of the offence or the location of the body.

Another issue is that a person may not cooperate because they are in fact innocent and have maintained their innocence for the whole time, notwithstanding that they have been convicted. There are plenty of examples of people who have been convicted of the offence of murder and have been found later to have been innocent. In this case, with this provision in the legislation, they would be deemed to be uncooperative when in fact they have not actually committed the crime. Notwithstanding the importance of the issue that is raised by this bill, there are problems with the effects of the bill and also with the drafting of the provisions in the bill which we have concerns with.

I think this is a bill that could have perhaps gone to one of our committees to be examined but I do not see anything foreshadowing that, and given the small amount of information we have been given to go on in terms of the second-reading speech et cetera with regard to the bill and the issues I have raised about the problems that result from it, I think that the concerns do stand.

As I said, in terms of the involvement of victims in the deliberations of the Adult Parole Board of Victoria, that is already allowed for under sections 74A and 74B of the Corrections Act 1986, which requires the board to consider any relevant victims submission they receive before making a parole order. So in terms of what the impact on the victims is, they already have that opportunity, and everybody in this Parliament agrees with them having that opportunity at the sentencing stage and at the stage of consideration by the adult parole board. These things already exist in the legislation.

Again, while I and the other Greens sympathise to the bottom of our hearts with the people who have to go through, as I said, sometimes many, many terrible years wondering where the body of their loved one is, I cannot agree that this bill will actually solve that

problem. It has other aspects to it which we cannot support being inserted into the corrections act due to the reasons I have outlined.

**Ms BATH** (Eastern Victoria) — I am pleased to rise today to say that The Nationals wholeheartedly support this bill presented by Mr O'Donohue this morning. The Corrections Amendment (No body, no parole) Bill 2016 amends the Corrections Act 1986 in relation to the granting of parole to prisoners that would, in effect, make prisoners ineligible for parole if they have not cooperated satisfactorily in investigations to identify the location or the last known location of the remains of a victim.

The main issue that I see with this bill is that it is about the victims. It is about the families of the loved ones who have passed. All of us here will have had some experience of losing a loved one. Whether it was a person who was close to us or a distant cousin, we will all have had that experience. We know where our loved one has been buried. We can go to that space or go to that ocean and look out and see where their remains have been put. Many of these families do not have that satisfaction. They have had their loved one taken from them in the most horrendous, revolting and unimaginably traumatic way, and they still have no place to go to console themselves. Yes, there are seven families on the board that are experiencing this situation at present, but that is not seven people; that could translate to 700 people that this affects. It is close families and it is communities that this affects.

If I can read from them, in a moment I will give some examples of some of the lives that have been affected by these terrible, shocking crimes. This bill could affect the parole eligibility of criminals like Leslie Camilleri, who in 2012 admitted murdering 13-year-old Prue Bird in 1992 but has kept secret where he dumped the schoolgirl's body. In 2013 he told the police that he had wrapped the girl in a doona and hidden the body in a wardrobe at a Frankston tip. But police found nothing when they dug up the site after an extensive search, and Camilleri has refused to help in any further investigations.

Last year convicted killer Keith Smart was released on parole after serving a minimum 8 years of an 11-year jail term for the manslaughter of Katie Lee Tanner. Her remains have never been found, and throughout his 2008 court hearings Smart refused to say where her body was hidden.

If I can refer to an article from the *Herald Sun* in September 2014 that describes the feelings of the

parents of Katie Tanner, you can see and understand some of their grief. I quote:

The grieving parents of a young woman bashed to death have demanded her killer not be released from prison until he reveals where he dumped her body.

David and Sharon Tanner are desperate for closure and want to be able to put their daughter, Katie Lee Tanner, to rest.

But Keith Smart, 61, who was found guilty of the lesser charge of manslaughter in 2008, has always refused to say where she is.

As Smart's release date looms, the Tanners have pleaded with the adult parole board to not let him out until he discloses where she is.

'Until he says where he put her, he should not be released', Mr Tanner told the *Herald Sun*.

'It's not fair that he gets out and we get a lifelong sentence. It's a kick in the guts'.

Smart was accused of bashing Katie, then 21, with a rubber mallet in a sudden loss of control at their shared Cranbourne North house in Melbourne's south-east.

The young mother, who was last seen alive on October 14, 2006, had been living with Smart with her two children and had been in a previous relationship with his son.

He was sentenced to 11 years behind bars, with a minimum of 8 years to serve.

He will be released on September 30.

This period has already come and gone, and now he is out in the world. The article continues:

The Tanners were upset they never got a chance to object or request conditions on his parole.

In a statement, the parole board said victims have a right to send a written submission to the board and that it would be 'carefully' considered 'as part of the decision-making process'.

Smart's imminent release — just two weeks shy of the eight-year anniversary of Katie's death — has affected Mrs Tanner the most, with her doctor prescribing her sedatives.

'Everyone says it gets easier as time goes by but it doesn't', she said, adding how it makes it harder they have nowhere to go and pay their respects.

'It would mean so much to us if we could put her to rest'.

The Tanners are no longer married, the death of their only daughter having torn them apart.

I will finish off with:

... they remain in each other's lives, offering mutual support as they care for their granddaughter Tannika, who was just 14 months old when her mother was killed.

This highlights very critically the issue around families not being able to properly grieve.

Mr O'Donohue's short but succinct and to-the-point second-reading contribution on the bill highlights that clause 4 precludes the granting of a parole order for such offences unless the adult parole board is satisfied that the prisoner has cooperated satisfactorily in the investigation of the offence to identify the location or last known location of the remains of the victim. This is a victim-focused bill. There are issues around the adult parole board. These people have a function to perform in society, and it is our function and role in this house to care for those people who have been wronged.

So in conclusion I would like to reiterate that the loss of a loved one through homicide is without doubt a very serious and traumatic event, and it is a lifelong sentence for a victim's family. Families of murder victims should have the rightful opportunity to provide a final resting place for their family member and hence have a sense of closure. Parole is a privilege for a prisoner convicted of a serious crime, and if there is unwillingness to cooperate with the investigation process, the right to parole should be revoked. If the act is amended accordingly, the accused will be compelled to cooperate. I wholeheartedly concur with Mr Edward O'Donohue, and The Nationals will be supporting this motion.

**Mr MULINO** (Eastern Victoria) — I start my contribution by focusing on the area — and there are a number of areas, I think — on which we all agree here today. One is that the families of deceased victims of crime are rightly entitled to support, to closure, to respect and to the basic human dignity of a funeral for their loved one wherever possible. I think we all agree on that. I think that is an important starting point. In my contribution I acknowledge some of the issues raised in the speech by the speaker immediately preceding me, Ms Bath. She talked about some particular experiences of families that were very relevant and very compelling. I think we all agree on that.

I think it is fair to say that we would all agree that this is also a very complicated matter. While on the one hand one might say it is a simple matter to provide greater incentives for people who are convicted of crimes to cooperate with certain procedures, when one starts to delve down into the details — and I will speak more about this in my contribution — this becomes a very complicated matter to put into effect. So I think all of us would agree that it is a complicated matter, and therefore it is sensible, I believe, to proceed cautiously and not to create unintended consequences.

Next in terms of what we can agree on, I think we can all agree that this is a matter of such sensitivity and importance that it deserves better than political pointscoring, and can I just say that I think that has been the tone in which this discussion has proceeded so far today. I think it is clear that the government is not going to support this; it is also clear I think that the Greens are not going to support it. But I think it is also fair to say that in not supporting it we have focused on some technical deficiencies that we believe cannot be remedied by amendment. Rather, in order to remedy the deficiencies in this bill, it will be necessary to change the approach and have a more competitive and different approach to this issue.

Nonetheless, we do acknowledge that there is an agreement as to what we are trying to achieve here and there is a willingness to work together. I do believe that this is an issue of sufficient sensitivity and importance that we should rise above the pointscoring, that we should acknowledge that we are all here to achieve something very important and that we should work together to do that.

The opposition's bill, as has already been outlined, would seek to deny parole to prisoners serving a prison sentence for murder or conspiracy to murder who failed to satisfactorily cooperate in the investigation of the offence to identify the location or last known location of the remains of the victim of the offence. Clearly this is a bill which is attempting to increase the likelihood of cooperation and to increase the likelihood of a better outcome for the families of deceased victims of such crimes.

Under the bill the Adult Parole Board of Victoria must take into account any advice from the Chief Commissioner of Police evaluating the degree to which a prisoner has cooperated in the investigation of the offence, and this cooperation may occur before or after the prisoner has been sentenced. As has been outlined by earlier speakers, the number of prisoners in Victoria who are likely to be impacted by this bill is currently seven, and none of these prisoners is eligible for parole in the next 12 months. This is relevant in that it is possible for us to take a measured and methodical approach to developing an effective response to this issue.

I have just outlined the mechanism by which this bill will seek to increase cooperation by prisoners in investigations as to the location of the body of a deceased, but as I have foreshadowed, there are a number of problems that we believe exist with this mechanism. Notwithstanding the fact that it might appear to be likely to achieve success on the surface,

we believe that there are likely to be a number of unintended consequences to this and indeed a number of inherent deficiencies in terms of scope. One is — and this is something that was alluded to by Mr Dalidakis earlier — the fact that this bill only applies to murder. There may be other crimes which should be caught under the umbrella — for example, manslaughter. But there might be others in addition — for example, certain types of arson.

The point is that we should have a very considered discussion as to which crimes fall within the ambit of a mechanism such as this. It is not sensible for us to limit it arbitrarily to a particular headline crime when in fact it might be more appropriate, if in fact we are trying to provide closure and respect and support to a certain class of victims, for that class of crime to be defined in a different way.

Another important issue, which I think we really need to think hard about, is the way in which the bill gives significant weight to the police's assessment of the offender's cooperation and the way in which this interacts with the adult parole board's discretion. This is something which Ms Pennicuik alluded to. We know that this is a very complicated area; we know that the way in which the adult parole board exercises discretion is very complicated. It is already subject to a great deal of scrutiny. The point I would make is that in light of the way in which various bodies already exercise discretion we have to be very careful that we do not create unintended consequences if we add another layer of one body's evaluation of a concept like cooperation if it somehow curbs the discretion of a body like the adult parole board, which has over a period of time built up a great deal of expertise in how to undertake its responsibilities.

A related issue is that evaluating cooperation is likely to be very difficult and complex. We have an area of great sensitivity and complexity, and that in and of itself suggests that we should not be rushing through legislation that may create unintended consequences. Not only are we dealing with very sensitive matters, we are also adding new concepts, such as 'cooperation'; what does it mean to say that somebody is reasonably cooperating? We have got to be very careful when we are adding new concepts, again, that we are not setting ambiguous or unclear guidelines and we are not creating hurdles that are very unclear.

As was alluded to by earlier speakers, it may be that some prisoners for all sorts of reasons may find it difficult or may not have the capacity to cooperate — for example, due to medical conditions, including

mental impairment or dementia. How does that interact with the impacts of what this bill is proposing?

This bill does not think through all the various scenarios or situations in which a person's capacity to cooperate might be impaired. Again, I am not suggesting a particular answer here; what I am suggesting is that these issues have not been thought through sufficiently, and I am not confident they are dealt with appropriately in the bill. Over the passage of time and with increasing age many prisoners may be unable to accurately recall the location of the victim. This may impact on the standard and reliability of evidence. This will make the task of Victoria Police very difficult and complex and, as I said, it just adds to that confusion around how Victoria Police should make that evaluation as to whether somebody has cooperated in a reasonable way.

Another issue that Ms Pennicuik raised is the interaction between a bill such as this and the way in which it might increase the likelihood of certain types of prisoners being released into the community without any supervision. This is one of the ways in which the parole system can improve community safety. Of course support for victims is one of the primary goals of any justice system. Community safety is also a very important goal. We have got to be very careful that we do not inadvertently increase the likelihood of a number of prisoners being released without any supervision, particularly given that this is dealing with the most serious of crimes. Again, this is another potential unintended consequence which we have to think through.

I will not speak at length on this bill. I just want to reiterate that we all agree here today that victims of crime and their families deserve respect. They deserve support. I do not think anybody in this house would disagree with that. I think that a lot of what Mr O'Donohue is trying to achieve we would of course be trying to achieve on this side of the house. It is also fair to say that I think this is an issue that is above the kind of day-to-day hurly-burly of political pointscoring, and we will certainly work with those opposite and those right across the chamber in trying to get a sensible outcome here.

We do not believe that this bill could be remedied by a few tweaks; we believe this requires a comprehensive approach, a complete rethink of all the complicated issues and interactions that I alluded to earlier. This is not a matter of us putting up a couple of tweaks; this is a matter of the government working methodically through the right approach to what is an inherently very complicated issue. I can assure all those present and all

those who are listening to this debate that the government is intent on doing so.

**Mr BOURMAN** (Eastern Victoria) — I rise today to speak in support of this bill, which should come as no surprise to anyone. Much is made these days of the rights of criminals — we have to make sure they are looked after, rehabilitation, this, that and the other — but not enough is made of the victims and their families. Obviously I have had cause over time to deal with victims of crimes. Most of them get closure, but not all of them. I would hate to ever be in the position of having to deal with what they have to deal with. It is important that they actually get some form of closure. The person who has murdered someone, if they have been found guilty by the courts, obviously knows what they have done with the body. I believe that they need some incentive to provide that closure. It is a case of they did it, the court has said it and they know it, so what harm is it? Unfortunately with the mentality that brings someone to murder another human being comes the mentality that they do not care about the damage they do.

Personally I believe if you murder someone, you should rot in jail and be carried out in a box. It is the wilful taking of someone else's life. We do not live in that society, and I appreciate that — there are minimum sentences and so on, and life does not necessarily mean life. I think for those who are not in the least willing to help the victims of their crimes, in what to them should only be a small measure but which is a huge measure to the victims, should enjoy their stay in one of Her Majesty's hotels for as long as we can keep them, until either they see the error of their ways or we cart them out in a box. I applaud Mr O'Donohue for bringing this bill to the Parliament. I am not sure how it is going to go, but I do wish this piece of legislation a speedy passage and hope it actually does help the victims and their families get through what must be an horrific time.

**Mr FINN** (Western Metropolitan) — I do not intend to speak at length on this particular bill, because I think it is a bill which is very straightforward and very logical. I think this is about justice. It is about justice for victims and it is about justice particularly for victims' families. I have to say straight up here today that I am — and we, I believe, on this side of the house are — firmly on the side of the victims. When it comes to the increasing crime rate in this state, when it comes to some of the heinous crimes we see committed, we are with the victims. We are with the victims' families, and that is what this bill is all about. That is the only thing that this bill is about. It is about providing justice, something you do not hear very much about these days. You hear about parole boards, you hear about lawyers

and you hear about this judge and that judge, but you do not hear very much about justice.

I have said in this house time and time again, and it is worth saying again, that what we need in this state more than anything else is a justice system to replace our legal system. The legal system is not there to provide Mercedes cars and big houses to lawyers. It is there to provide justice for victims and for their families, and that is what this bill aims to do. I commend Mr O'Donohue for putting this forward. I think it is a very, very impressive concept and a very, very impressive piece of legislation.

It is very sad that the ALP and the Greens have decided that they will not support this bill. But given the Labor and the Greens coalition's attitude towards punishment, it should not come as any surprise, because they are soft. They are soft on crime, they are soft on criminals and it should not come as any surprise that they are opposing Mr O'Donohue's bill.

This legislation is a huge step forward for justice. I cannot imagine how anybody could oppose this legislation, but what we are seeing over here today from the other side is something that I suppose should not shock any of us, given their record. Again, I commend Mr O'Donohue on bringing this legislation forward. I look forward to voting for this bill very, very soon, and I appeal to the Greens and to the Labor Party to reconsider their position in the interests of providing justice for victims and for their families.

**Mr HERBERT** (Minister for Corrections) — Previous government speakers have outlined many of the issues the government has, and as they have indicated, we will not be supporting the bill. We do believe that it is a really important issue, and we acknowledge the genuineness of bringing this bill to the chamber.

Knowing the location of the body or the remains of a loved one should be the right of every family of a deceased person, particularly if there are horrendous circumstances around that death. The deceased are entitled to the basic human dignity of a funeral. Their loved ones are entitled to closure, and that is something, I am sure, that every single person in this chamber acknowledges and wants to ensure we can do better. However, the laws we create and make here should not create false hope; they should not give victims false hope in what is a very sensitive, difficult and complex issue. It also should be acknowledged that currently the courts do take into account in their sentencing victims' impact statements and the cooperation of the perpetrator with police. Certainly destroying or

concealing the body or remains of a victim makes the crime worse, and that needs to be acknowledged in terms of the court.

There is clearly merit, and I want to acknowledge this, in having stronger laws so that murderers and other killers in prisons are not released if they do not help locate the remains of a victim and give that closure. However, we believe that the opposition's bill, as well intentioned as it is, raises several issues about how that purpose can be achieved and does not adequately address that purpose.

In considering this matter when it was first brought into the chamber I sought advice from the Department of Justice and Regulation and from the Adult Parole Board of Victoria. The advice I have received highlights a number of complex issues of whether this should be a matter for stronger sentencing requirements and whether it breaches that separation of responsibility between the courts doing the sentencing and the parole board's responsibility by making the parole board part of the sentencing process. There are questions of whether it is broad enough and whether it should not capture other killings and include them.

Importantly, as Ms Pennicuik says, there is also the issue of the Callahan review and the major reforms we have done very recently to parole — reforms that are working. Certainly it will never be perfect, and I want to acknowledge that. But the extra resources, the new approach, the dual system ratcheting up to a higher level of decision-making for very serious issues, putting community safety as the primary focus of the parole board, the imperative of the parole board — whether we want to start changing that has serious implications. We all agreed — those who are in this Parliament agreed — that we wanted to make sure the parole board absolutely had as its no. 1 priority in regard to all its decision-making the safety of the community. This puts another factor into that.

Can I say that I am further advised by the department that the opposition's bill only applies to seven prisoners in prison currently, and none of those prisoners is eligible for parole in the next 12 months. This gives us time to have a good look at the issue, which is complex.

As has been pointed out by my colleagues, the bill is also limited in many ways in that it does not apply to other killings. Despite media reports to the contrary, the bill does not apply to cases of manslaughter. Maybe it should; we should look at that. The bill does not apply to situations such as arson causing death. How we should apply the 'no body, no parole' principle is very complex, as is the manner in which we should apply it.

I just want to say that that complexity is in fact highlighted by the contribution of Ms Bath, in which two cases were raised, as I heard her, in support of the legislation. There was the case of Camilleri, who was convicted of murder, and the case of Smart, who was convicted of manslaughter. In the case of Camilleri, he received a sentence of life without parole so the bill would not apply to him, despite it being used as an example for this bill. In the case of Smart, he was convicted of manslaughter, once again an offence that is not covered by this bill. I think that highlights that, even for those who legislate, getting it right is important. Being on top of the facts and getting on top of the complexities is a very important matter. Simply raising cases does not help if the bill does not apply to them.

Another issue of course is the workability of the bill, and I do not know that there has been a huge amount of work put into this. I cannot judge that. Mr O'Donohue may have had extensive discussions with the police. But certainly the complexity of issues for the police in terms of complex investigations, possibly many years after an offence has occurred, is difficult. The bill gives significant weight to the police assessment of an offender's cooperation, and in so doing it curbs the adult parole board's discretion. These are complex issues. Some prisoners may not have the capacity to cooperate due to a medical condition, including mental impairment or dementia. Many of these people are in jail for a long time. Incarceration creates all sorts of medical issues. With the passage of time, prisoners may be unable to actually recall the location of a victim. The whole reliability of victims' statements and of false leads to police creates a very, very difficult situation in what is a very simple bill, leading to a whole heap of ramifications that need to be taken into account when we consider this issue.

I guess those in the justice system would also say there is another issue here that our justice system works around. People who are incarcerated should not just be thrown straight from prison into the community. That creates all sorts of further issues and leads to more reoffending in many cases. Parole serves a halfway house in many ways. It sets conditions for their slow integration back into the community. So there is a question that needs to be asked and evaluated about whether, if you simply do not have parole, you are not creating a much more dangerous situation down the track.

As I say, I have no doubt that all parties want to support the intent of this bill and provide certainty to the families in these cases, but we must ensure that any legislation going forward actually captures the views of

all stakeholders on what is a very complex position. It should be well considered and thought out. I am certainly happy to work with Mr O'Donohue and the opposition in working forward on this bill and indeed with the crossbench, who have strong views about this. But we do not want to create false hopes for victims, we do not want an unworkable situation in our courts and we do not want to undermine the work the parole board do.

So there are many options. Some of them are sentencing options. There could be sentencing that the parole board must take into account. There could be issues such as a reduced sentence if someone comes forward down the track. There could be issues of sentencing where there are two types of sentences, one if you come forward with evidence and one if you do not, in terms of minimum parole periods. There could be legislation whereby a prisoner can come back for a reduced sentence if they cooperate and provide the advice. There are many ways of handling this. We do not believe this is the best way. We do not think it will truly give the intent that is needed. We believe we have time to work further on this. As I say, there are seven people and none of them will come out or be eligible for parole in 12 months. We want to ensure that victims of crime and their families get the respect they need and have the support of the law they need, but we do not want to give them false hope. For those reasons — the reasons I have outlined and others — we will not be supporting the bill. But we will deal with this matter in a more comprehensive way to ensure the respect of victims of crime and their families is strengthened.

**Business interrupted pursuant to sessional orders.**

## QUESTIONS WITHOUT NOTICE

### Sex education

**Ms PATTEN** (Northern Metropolitan) — My question is to the Minister for Education, represented in this place by Minister Herbert. Between Brighton Grammar's 'slut of the month' account, a so-called pornography ring at Melbourne Grammar and now another at St Michaels Grammar, a pattern is emerging in Victorian schools. These incidents reveal a lack of understanding of consent and privacy by students. Young people receive the bulk of their sexual education through online material these days, and that is frequently age inappropriate and not contextualised within a broader conversation around sexual safety. Age-appropriate material is crucial in ensuring young people are learning about consent and boundaries. My question is: what is the government doing to foster

better understandings of cyber safety and sexual activity online for young people?

**Mr HERBERT** (Minister for Training and Skills) — I thank Ms Patten for her question and her concern about what is a very serious issue. Clearly it is disgraceful to see students being targeted by highly inappropriate websites, if not illegal websites. Online exploitation of young people is a very, very serious issue that has serious ramifications for all involved. Of course the Department of Education and Training is assisting and will assist the police with their inquiries in this regard. It is a very serious matter. It is one of those matters we constantly need to update on as technology impacts further and further into the lives, rights and responsibilities and the protection of students. We are working with schools affected to ensure they get the supports available to students and staff as they may need it, and we are developing a range of resources that promote better respect in relationships and for cyber safety. I mean, there are two sides of this coin that should be addressed. Can I say this is a matter for the police; however, I am happy to consult with the Minister for Education on more specific issues and come back to the member.

*Supplementary question*

**Ms PATTEN** (Northern Metropolitan) — Thank you, Minister. I agree this has two sides, but I think the real question is sex education. In this digital age we are not having clear conversations and clear discussions about the type of material that kids are seeing online, the kind of online interactions they are having and even the differentiation between entertainment and real life. Without this, incidents of bullying and disrespect will continue. I believe the only way to combat this is through uniform progressive sex education programs that commence at a relatively early age. Look at countries such as Norway and even the UK, where young people are being taught age-appropriate sex education throughout their schooling and it is working. Will the government commit to reviewing the sex education policies of all schools in Victoria to ensure that every child in the state is receiving the same up-to-date information so we can stamp out the type of behaviour we are seeing in these schools?

**Mr HERBERT** (Minister for Training and Skills) — Of course the age for sex education and the type of sex education is always contentious in the community. Can I say that in response to the Royal Commission into Family Violence we are rolling out a program of respectful relationships through our schools, and we will do all we can to ensure that children are provided with the sort of support, information and

teaching that help them develop strong, respectful relationships and avoid the sorts of things we have seen happen in a number of schools recently. Any more detail, and I will get back to you.

**The PRESIDENT** — Order! Can I just make the point that in terms of the supplementary question I think Ms Patten was actually advancing her own view and presenting information that was not necessarily context for the question. In a way it was, but essentially it went beyond what we would expect in terms of a preamble to a question. I think the matters she raised might well in that sense have been better raised in a 90-second statement or suchlike. But it is done.

**Native vegetation management**

**Mr YOUNG** (Northern Victoria) — My question today is for the Leader of the Government, through the Deputy Leader of the Government, representing the Minister for Energy, Environment and Climate Change in the upper house. It refers to recent events regarding mining and the implications of native vegetation laws. In one instance recently a private landowner at Amherst has been told to pay \$1.25 million for the removal of 60 trees from what is described as a degraded bush block. In a second incident prospective miners have been asked to pay \$900 000 for revegetation due to the impact on 15 hectares of land that does not include the removal of trees. The interpretation of revegetation laws has seemingly become out of control. I ask the minister: what is the process for calculating and setting these values and the revegetation works to offset them?

**Ms PULFORD** (Minister for Agriculture) — I thank Mr Young for his question and his interest in this matter. I will seek to provide a written response and perhaps in doing so take some advice about from which minister a response is most appropriate.

*Supplementary question*

**Mr YOUNG** (Northern Victoria) — I thank the minister for her endeavour to do that. My supplementary question is: in regard to the Amherst case the owner has been working closely with authorities on improving the area, including reinstating a creek and wetland with assistance from the local catchment management authority. They have also been removing weeds from the property, but they have been given notice to stop. Why have they been held up from work that would be contributing to revegetation with native plants?

**The PRESIDENT** — Order! Before I call the minister, can I have an indication of which minister you believe you are directing this matter to?

**Mr Young** — The Minister for Energy, Environment and Climate Change.

**Ms PULFORD** (Minister for Agriculture) — I will seek a response from the Minister for Energy, Environment and Climate Change.

### Foster carers

**Ms SPRINGLE** (South Eastern Metropolitan) — My question is for the Minister for Families and Children. The minister has been very vocal about her foster carer recruitment strategy. Foster carers are obviously a crucial part of the reforms that need to be made to the child protection system, especially in terms of moving children out of residential care. Can the minister confirm how many new foster carers have been recruited since she launched the government's foster carer recruitment strategy?

**Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question on what is a very important initiative of our government to develop a new recruitment campaign bringing together all our foster care agencies across Victoria for the first time in a coordinated way with a joint effort in terms of attracting new foster carers. It has led to a significant increase in interest in being a foster carer from members of the Victorian community. It has led to a very significant increase. We have had more than 1000 people in fact express an interest in becoming a foster carer. I thank the member for her interest in this. We obviously have a multifaceted approach to not just recruiting carers but also retaining carers. If I have more to add to my response to the member, I look forward to doing so in writing.

#### *Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) — I thank the minister for her answer. Does the minister accept that foster carers are unlikely to be recruited until they are compensated with a rate that is at least equivalent to the rate in other states?

**Ms MIKAKOS** (Minister for Families and Children) — I thank Ms Springle for her supplementary question. She would recall that I have spoken before in this house about how our government, in our first budget last year, did in fact provide our carers — not just our foster carers but our carers more broadly — with the first boost in allowances for more than a decade. So those opposite, who seem to be very vocal

about this matter, actually did nothing for four years to provide additional support to our carers, and now they have got new-found interest in all sorts of issues.

I have explained to the member before that it is actually very hard to make interstate comparisons because there are different supports that are offered in addition to the allowances that do not translate across jurisdictions. We have done a range of things, including providing targeted care packages, to provide additional supports to carers. If I have more to add to my answer, I am happy to provide further detail to the member in writing.

### Container deposit scheme

**Ms SPRINGLE** (South Eastern Metropolitan) — My second question is to the minister representing the Minister for Energy, Environment and Climate Change. In July Queensland announced that it will join New South Wales, the Northern Territory and South Australia in legislating for a refundable container deposit scheme to reduce the number of beverage containers entering litter streams. Until now the Victorian government has opposed a container deposit scheme for Victoria on the dubious basis that it would affect the councils' successful kerbside recycling programs, but both New South Wales and Queensland have very successful kerbside recycling programs and the tripartisan Senate inquiry into marine plastic pollution found that container deposit schemes worked very effectively in parallel with kerbside recycling programs. Victoria will soon be surrounded by states that have container deposit schemes. Will this government revisit the previous decision not to introduce a container deposit scheme?

**Ms PULFORD** (Minister for Agriculture) — I thank Ms Springle for her question. I point out to Ms Springle that the minister representing the Minister for Energy, Environment and Climate Change is not here because the Greens voted to suspend him for six months, but I will seek a written response.

#### *Supplementary question*

**Ms SPRINGLE** (South Eastern Metropolitan) — I thank the minister for her answer. How can the Victorian government continue to claim that it is a leader on actions to protect the environment when it continually refuses to act on the recommendations of the tripartisan Senate inquiry into marine plastic pollution and introduce a container deposit scheme?

**Ms PULFORD** (Minister for Agriculture) — I wonder if I am being invited to offer an opinion in

Mr Jennings's absence, but I perhaps also pose the question: how can the Greens be serious about asking questions of the minister representing the Minister for Energy, Environment and Climate Change when they have sought to have him not here? But I will seek a written response.

**The PRESIDENT** — Order! I must say that it did exercise my mind as to whether or not the minister was being asked for an opinion as distinct from responding to a question on a matter of fact, so I think the minister made a valid point to that extent.

### Youth justice centres

**Ms CROZIER** (Southern Metropolitan) — My question is to the Minister for Families and Children. As reported on 27 July 2016 by numerous news outlets, a Victorian teenager was held in isolation for 10 days in the Victorian youth detention centre at Malmsbury. Minister, who approved this period of isolation, and when were you made aware that a teenager had been held in isolation for 10 days?

**Ms MIKAKOS** (Minister for Families and Children) — It is very interesting that it was just in March, in fact, that Ms Crozier came into the house and was urging me to ensure that young people would be transferred from our youth justice facilities into our adult prison system. Today, following a *Four Corners* report, we have had a road to Damascus experience by the member opposite. Now she has a new-found interest, like her new-found interest in foster carers and her new-found interest in our young people in our youth justice facilities.

**Mrs Peulich** — On a point of order, President, answers to questions without notice are not opportunities to sledge the opposition, which the minister is doing. She is certainly not answering the question.

**The PRESIDENT** — Order! I concur with the point of order that certainly responses to questions are not about criticising the opposition or other members of the place who put questions. However, the minister is entitled to put context, and I think at this stage her response is proportionate. I would hope that she would be moving towards a response to the substantive matter that has been raised. The minister, to continue.

**Ms MIKAKOS** — Thank you, President. I am just pointing out the hypocrisy of the member opposite, who has a new-found interest in the care of young people in our youth justice facilities.

I want to refute the premise of the member's question, because the member is in fact relying on a media report that is incorrect in a number of respects. The advice that I have received is that, despite how the member wishes to characterise this particular incident and the media reports, the young person involved was not isolated, as has been characterised, in an isolation room for 10 days. That in fact was not the case at all. As was the case under the previous government, separation management plans are sometimes used in the management of our youth justice facilities. So it is important to note that separation management plans of clients can include instances of a client being put in their room, and this needs to be recorded as isolation.

As part of this management plan I am advised that this client associated with other clients, had regular outdoor access and received access to education services. So it is incorrect in the particular way that it has been characterised, so I am actually refuting the premise of the member's question because, as the member should know, the use of isolation is very closely regulated under our legislation here in Victoria. For example, the use of isolation as punishment is prohibited under our act. I am advised that isolation in this case was not used as punishment. I am further advised that the client in this particular instance was regularly monitored — monitored at least every 15 minutes, in accordance with the act — and it was approved by the appropriate level authority.

I want to add that, as the member would be well aware from the media reports that she is referring to, the commissioner for children and young people has said that she is conducting an independent review, and it will also include this particular incident. I do not want to prejudge what the commissioner might well have to say about this matter.

It is really important, as I have explained to the member, that the premise of her question is actually incorrect in terms of how it has been characterised. Therefore I think it is important that I can put some of that information on the record to ensure that I can clear that issue up. Unfortunately the journalist at the time did not seek information which may have cleared this issue up before it went to print, but this will be subject to an independent review. It is important that we not prejudge that process and that the member opposite also respects that process. If I have anything further to add to the member, I will do so in writing.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — Minister, I thank you for answering my question for the first time in a number of weeks. Minister, you have outlined various elements in relation to my question, but you did not actually answer it, so I will ask it again. When were you first made aware that this teenager was under that management plan that you just described?

**Ms MIKAKOS** (Minister for Families and Children) — President, the member may think that by coming and repeating a question somehow she is being very insightful. She needs to have a conversation with her colleagues sitting next to her about what the role of ministers is in operational decisions on a day-to-day basis in our youth justice facilities, because despite the fact she has gone out and visited these facilities, she clearly does not understand how operational decisions get made.

In terms of reporting to ministers, our practices are exactly the same as was the case when her colleague sitting next to her was in fact the responsible minister. It is the same reporting practice, but if I have anything further to add in response, I will do so in writing.

**Youth justice centres**

**Ms CROZIER** (Southern Metropolitan) — My question is again to the Minister for Families and Children. Minister, given that you tweeted that you are ‘appalled about the barbaric practices’ seen recently in the Northern Territory youth justice system and that the Children, Youth and Families Act 2005 sets out a list of actions which are prohibited in relation to a person detained in a youth justice centre and the first one is the use of isolation as a punishment, under what circumstances was the authorisation provided for the teenager that I spoke about before to be placed in isolation?

**Ms MIKAKOS** (Minister for Families and Children) — President, clearly the member has got no ability to respond to the answers that I have given, because I actually addressed this issue in the answer I gave to her first question. I was very forthcoming because, as I have said, this issue has been mischaracterised and I thought it was important to clear this matter up.

It is interesting that the member takes all her information from following me on Twitter. Perhaps if she does keep reading my tweets she might learn something. Can I just say that when it comes to the Northern Territory and the reports that we have seen

through that *Four Corners* footage, as I did say in my tweet, I was appalled. I was shocked by the images of what had occurred in youth detention in the Northern Territory. I think that it is important that there is that royal commission undertaken to get to the bottom of what those practices are.

As for Victoria, our own commissioner, Ms Buchanan, has said — and I quote from a report in an *Age* article of 27 July:

I am confident that the kind of state-sanctioned abuse that we have witnessed in the Northern Territory is not taking place in our centres. We have tried in Victoria to put in place a reasonably humane approach with a clear focus on rehabilitation, not punishment.

As has been made clear in media reports about this matter, spit hoods, restraint chairs and capsicum spray are not practices used in Victoria. In seeing that footage from the Northern Territory I sought urgent advice about these matters, and that was the advice that I have received.

As I said to the member, I have already responded to her question — if she was listening 5 minutes ago — around these issues. I think she might need to go back and look at the *Hansard* in relation to this, and if I have anything — —

**Ms Wooldridge** — On a point of order, President, in terms of assistance to the minister, because I do not believe the minister actually heard the question, the question was not why that punishment was excluded, which she did say in her substantive answer to the earlier question. The question was: under what circumstances was the isolation approved, which has not been answered, and I ask you to ask the minister to return to the question that was asked, not the one that she thought she heard.

**The PRESIDENT** — Order! As members would be aware, I am not in a position to tell ministers how they should answer questions. I think the minister is giving a very comprehensive response on this matter and is ensuring that members are aware of some of the circumstances associated with an incident that has had some public exposure, probably encouraged by a local angle, if you like, on what had happened in the Northern Territory, which the minister has, I think, appropriately referred to in her comments to the house. From my point of view I do not intend to direct the minister on how to further answer this question at this time. The minister, to continue.

**Ms MIKAKOS** — As I said earlier, I think I addressed a number of issues in a very comprehensive way in response to the first question from Ms Crozier

addressing these points. As I said, there is now an independent process underway. We should respect that process, Ms Crozier should respect that process and, as I said before, if I have anything further to add to my response, I will do so in writing to the member.

*Supplementary question*

**Ms CROZIER** (Southern Metropolitan) — Minister, the Children, Youth and Families Act 2005 also states that, and I quote:

... the prescribed particulars of every use of isolation ... are recorded in a register established for the purpose.

Minister, will you now make public a copy of the register for the isolation relating to this isolation period?

**Ms MIKAKOS** (Minister for Families and Children) — I have already put on record a lot of detail about this issue. I have explained that there is now an independent process underway from the Commission for Children and Young People that will obviously enable the commissioner to examine the relevant documentation around these matters. I remind the member also, because this issue came up a few months ago around documentation et cetera that relate to the safety and security of our youth justice facilities, that it was in fact her previous government — and that she voted for this legislation — that put in fact new levels of secrecy around the good management of our youth justice facilities that were not in place previously. So the member might need a reminder on that particular issue. We will cooperate with the commissioner and assist her in any of her inquiries. If I have anything further to add to my response, President, I will do so in writing to the member.

**Metropolitan Remand Centre**

**Mr O'DONOHUE** (Eastern Victoria) — My question is for the Minister for Corrections. Minister, according to the corrections commissioner, the Metropolitan Remand Centre (MRC) prison riot in June 2015 was the worst in Victoria's history. The then minister advised on 21 December 2015 by way of press release that the repair and rebuilding works at the prison would take between 12 and 18 months or in other words would be completed between December this year and May next year. Now, nine months since the announcement, is the project on track to be completed within that time frame?

**Mr HERBERT** (Minister for Corrections) — I thank Mr O'Donohue for his question. It is a very serious issue. Of course we all know that the number of people on remand has risen substantially in the last year

or so, and Corrections Victoria is managing it quite well by using different facilities. In regard to the capital works overlay and the plan and timing for what is of course a very difficult job of putting in much stronger walls and stronger security in an existing and operating prison, I will get back to him with details.

*Supplementary question*

**Mr O'DONOHUE** (Eastern Victoria) — Minister, I note that not only has the cost to repair and rebuild the MRC hopelessly blown out from \$10 million to \$12 million to over \$95 million but I understand that the time frame for delivery of this critical project has gone from 12 to 18 months to nearly 30 months. Minister, is this a case of another mismanaged Labor project that has blown out in budget and in time?

**Mr HERBERT** (Minister for Corrections) — Of course we are rebuilding our prison system after the years of, quite frankly, neglect. I reject the premise of the question. Mr O'Donohue knows quite well that there was additional funding put into the remand centre over and above the cost of rebuilding after the riots to strengthen security and put in new facilities, and that has been factored in as part of the budgetary context.

**Western Institute of Technology**

**Ms FITZHERBERT** (Southern Metropolitan) — My question is to the Minister for Training and Skills. The Western Institute of Technology is a party to a Victorian government training contract. Minister, was the Western Institute of Technology one of 62 registered training organisations investigated as part of your training quality blitz, and have you been made aware of any concerns, either state or federal, about the quality of training at the Western Institute of Technology?

**Mr HERBERT** (Minister for Training and Skills) — Is it not a delight that we get a question about quality from those opposite us? Oh, my goodness. How fabulous is that? Why did you not do anything when you were in government when the rorting went on in this system of hundreds of millions of dollars of taxpayers funding in the tick-and-flick, low-quality, shambolic training that virtually ruined the training system in this state?

**Mrs Peulich** — On a point of order, President, I raised a previous point of order about questions without notice or responses being used to sledge the opposition. This is not context, because if he was actually providing context, he would admit that we instigated the reforms

that came through this chamber and also instigated the quality assurance spot checks.

**The PRESIDENT** — Order! That is a debating point that might well be pursued in another manner rather than a point of order. I accept that, again going back, in question time the answers are not an opportunity to sledge the opposition and retrace history in terms of what other governments may or may not have done. However, at this point I think that the minister is about to address the actual question, and therefore I would seek his continuation of his answer.

**Mr HERBERT** — Thank you, President. I should point out though that the opposition shadow spokesperson, in a road wreck of an interview on Triple J, seemed to imply that they were critical of the quality blitz that we are undertaking. We seem to have had a reverse stance here in the thing.

In regard to the 62 providers who have been investigated as part of the blitz and the \$41.4 million in recovery funding, the member will know that if a provider loses a contract because of poor quality, then their names are put up on the website. I am happy to get any more information I can on the Western Institute of Technology, whether they were in fact part of the 62 blitzed and whether I can divulge whether there is an ongoing investigation — or audit, I should say.

*Supplementary question*

**Ms FITZHERBERT** (Southern Metropolitan) — I note that that is not actually answering what I asked, but I will try again. Minister, there have been concerns about a number of training organisations. In the past you have detailed that you have met with many registered training organisations regarding the training quality blitz. How many times have you met with the CEO of the Western Institute of Technology since you became minister, and does the CEO have your full confidence?

**Mr HERBERT** (Minister for Training and Skills) — Well, I am glad you acknowledge that I meet with many, many private training providers who are an integral part of this state, and I am happy to get their feedback. I do not believe in sitting in an ivory tower and letting the walls crumble around me like we saw in the previous government. You know, the walls of training disintegrated into dust around us whilst people were desperately trying to get skills to get a job.

No, I meet with many people and many training providers. I am happy to meet with them, whether they are Simonds Homes, whether they are the Housing Industry Association or whether they are top-notch

photographic providers. I also visit different training providers. I do not believe I have had a meeting — —

**Ms Fitzherbert** — On a point of order, President, I ask you to bring the minister back to answering the question. He is simply wasting time to use up that allocated to him to avoid answering the question, which was very specific.

**The PRESIDENT** — Order! I am listening intently to the minister as to whether or not he addresses the specific matter that you raised. I have another mechanism if indeed he does not get to that answer.

**Mr HERBERT** — I cannot recall actually having a meeting with the owner, manager, CEO or anyone from the Western Institute of Technology. I am not aware really that there are any concerns, whether at a state or a federal level, and in fact this would be something the department would do in terms of the quality process. But I will check my records and see if I have had a formal meeting with him.

**TAFE boards**

**Mrs PEULICH** (South Eastern Metropolitan) — My question is also to the Minister for Training and Skills. Noting that the directors appointed by you to Victorian TAFE boards include no less than three former Labor MPs, a former Labor candidate and the co-convenor of EMILY's List, can you explain how stacking boards with Labor officials who will not oppose or scrutinise your decisions ensures the independence of Victoria's TAFEs?

**Mr HERBERT** (Minister for Training and Skills) — I thank the member for her question. We have just had the most transparent, merit-based process for ministerial appointments to TAFE boards in our history. We have had 513 applicants, 425 external candidates, 239 interviews and an expert panel appointed — this is clearly transparent. I am delighted by the quality of people that we have put on as my ministerial appointees in there. We have also given them, as you would know, the capacity and the right to elect the chair following the disgraceful sacking — ministerial political sacking — by the previous government of any chair that spoke out against them. There is no party political issue here. In fact I think Bill Forwood is now the chair of Melbourne Polytechnic — a former Liberal member of this house. Thank you very much.

**Mr Dalidakis** interjected.

*Supplementary question*

**Mrs PEULICH** (South Eastern Metropolitan) — Perhaps Mr Dalidakis thinks that he can rewrite standing orders. My supplementary question is, in view of the response: Minister, given that you ensured that so many of your Labor mates were given a gig, can you guarantee that none of the boards will elect its chair before the remaining positions are coopted to the boards?

**Mr HERBERT** (Minister for Training and Skills) — I think Mr Forwood has been elected chair of Melbourne Polytechnic. The legislation came through this Parliament, and it will be fully complied with, but can I just say one thing: I have never been a person that believes that the skills and expertise of members of Parliament, elected by large numbers of people and given the responsibility to make legislation that governs this state, should be excluded from any sort of public office or life after politics. They should be judged just like every other person on their skills and capacity to do the job.

**Mrs Peulich** — On a point of order, President, I would assume that for the supplementary you will ask the minister to provide a written response given that he did not touch on it at all.

**The PRESIDENT** — Order! Thank you for your assistance.

**QUESTIONS ON NOTICE**

**Answers**

**Ms PULFORD** (Minister for Agriculture) — I have answers to the following questions on notice: 2009, 5067, 5095–6, 5103, 5163, 5265, 5267, 5298, 5301, 5303, 5846–50, 5852–7, 5859, 5866, 5868–9, 5872, 5874–7, 6293, 6652–4, 6656–63, 6665–74.

**QUESTIONS WITHOUT NOTICE**

**Written responses**

**The PRESIDENT** — Order! In respect of today's questions Ms Patten had a substantive and a supplementary question to the Minister for Education effectively, through Mr Herbert, and Mr Herbert has indicated that he will pursue written responses on both of those questions. That is certainly therefore my requirement, and that is two days.

On Mr Young's questions, both substantive and supplementary, to Ms Pulford in respect of matters in the Minister for Energy, Environment and Climate

Change's portfolio, Ms Pulford will seek written responses to those. Again that is two days.

In regard to Ms Springle's first question to Ms Mikakos, both the substantive and the supplementary question, I am having a little difficulty with my directions in the sense that Ms Mikakos has on a couple of occasions now over the last couple of days provided answers — I believe she has provided answers to those questions — but then at the end she has said, 'If there is further information, I will get back to you'. That puts me in a difficult position as to whether or not I should instruct that there is a further written response or whether I am satisfied that she has actually responded to the question. So maybe we will just have a look at that because essentially — and I know she does not mean to do this — she is sort of removing the judgement from me to her and her department as to whether the answer has been provided. But I do believe that she has made some fulsome responses to the matters that have been raised. On the basis of her indication that she will look further at the matter, I will ask for a written response to Ms Springle in regard to both that substantive and supplementary question, but it may well be, as she has indicated, that the written response really reflects much of what she has already told the house.

In regard to the environment question posed by Ms Springle to Ms Pulford, Ms Pulford has undertaken to obtain written answers from the Minister for Energy, Environment and Climate Change in regard to both the substantive and supplementary question, so therefore that is two days.

As to Ms Crozier's first question to Ms Mikakos, I would seek a written response on the supplementary but not the substantive question. That is one day.

In regard to Ms Crozier's second question, again I will ask for a written response on the supplementary but not the substantive question. In requesting a response to the supplementary, I am actually mindful of some of the privacy matters associated with individuals, given the nature of the record that is sought to be released publicly. I am particularly mindful of the inquiry that the commissioner is undertaking, and I do not want to impede that inquiry. That is one of the reasons why I have not sought further information on the substantive question in this case — because I think that the matters were canvassed by the minister. But, as I said, in regard to the supplementary question, the minister might reflect on an answer and provide a written answer on that, and that is tomorrow.

In regard to Mr O'Donohue's substantive question posed to Mr Herbert, I would seek a written response, and that would be one day.

In regard to Ms Fitzherbert's question on the Western Institute of Technology, I would seek a written response to both the substantive and supplementary questions that were posed by Ms Fitzherbert, and that is a one day situation.

In regard to Mrs Peulich's supplementary question to Mr Herbert, I would ask for a written response to that. I am not seeking a written response to the substantive question, because I believe that that actually called for an opinion. So only the supplementary question, and therefore that is also one day. Thank you.

**Mr Leane** — On a point of order, President, pertaining to your last ruling, I just wonder, given during question time the points of order from the opposition around ministers hurting their feelings in their responses, I am unsure why a minister should give a written response to a question which was based on unsubstantiated slur. If you read the question in *Hansard*, it was a slur on the minister and then a bit of a question, and I am not too sure why you would request a minister to give a written response in that instance.

**The PRESIDENT** — Order! I have got no idea what Mr Leane is referring to, because I do not have today's *Hansard* yet.

**Mr Leane** — I would ask if, maybe, President, you could review that. That would be my point of order. As far as the last supplementary, if that is what you are referring — —

**The PRESIDENT** — Order! Today?

**Mr Leane** — Yes, today. It was based on an unsubstantiated slur and, given the sensitivity of the other side about their feelings being hurt during question time, I do not know why they would expect the respect of that particular question being responded to. So I would ask you to review it.

**The PRESIDENT** — Order! I already have, and you will note that I actually did not allow for a written response to the substantive question, because I do believe that was outside the framework of my requiring written responses. However, in respect of the last — and you are right in that perhaps in terms of some preamble words Mrs Peulich used a derogatory term, which I do not need to repeat — the question itself that was posed was a valid question, and that was simply to seek a guarantee that none of the boards would elect

chairs prior to all positions being filled on those boards. That is essentially the nub of the question.

Now, I am not even sure that the minister is in a position to give that guarantee, because these boards have some autonomy, so I am not even sure that a question like that is going to elicit the response and the guarantee that Mrs Peulich is seeking. Nonetheless, it is a valid question. Yes, the words might be unfortunate, but I hear ministers also use terms that reflect on opposition members — we had it today — or on opposition positions, and that is a slippery slope if I go down there. I have reviewed it. I made that decision based on what I have put to the house just now. But thanks to Mr Leane for his suggestion that I pay very close attention to these, and I assure him I will.

**Mr O'Donohue** — On a point of order, President, in relation to a response I received from the minister to my question yesterday, my supplementary question asked: how many prisoners have not been presented to court because of the overcrowding in police cells? The minister's answer says that Corrections Victoria do not collect that data. That is not my understanding, and in answers to previous questions the minister has advised the number of costs orders and the number of prisoners not being presented to court.

**The PRESIDENT** — Order! Does the minister wish to make a comment on that?

**Mr Herbert** — No.

**The PRESIDENT** — Order! I am in a position where I obviously do not know whether this information is collected or not. I do not know if there has been a change in the practice of the government in collecting this information, or if that in the past it may have been available and it is no longer available. I am not to know that. I would certainly indicate to the minister that if that information is still collected as it has been in the past, then this response might well represent an unintentional misleading of the house. I would ask the minister to have a look at that information and perhaps discuss with Mr O'Donohue outside the chamber as to what that position is now.

**Mr Herbert** — On a point of order, President, I know the substantive question was about how many there were, and that information was given. If there has been a misinterpretation of the actual nature of the information, the question, I am happy to go back and have a look at that, and I will get back to Mr O'Donohue.

**The PRESIDENT** — Order! Thank you.

**Mr Davis** — On a point of order, President, yesterday the deputy leader was asked to provide a response within a day on the matter concerning local government and the integrity regime around local government. I understood that was a day.

**An honourable member** interjected.

**Mr Davis** — No, the integrity regime which was on behalf of Mr Jennings. I understood that the ruling was that there would be a response provided within a day. I asked you on behalf of him.

**The PRESIDENT** — Order! I did request that information for one day — I do have that recall. It has not been made available today, but the minister will follow up, perhaps with a view to assuring us that it will be available tomorrow. There may well have been some confusion, because I remember that this was something I had to check — whether that question was directed to the Minister for Local Government or indeed, as you advised me, to the minister responsible for the integrity regime.

**Mr Davis** — President, the *Hansard* will very clearly record that it was directed to the minister responsible for the local government inspectorate, and indeed that is Mr Jennings.

**The PRESIDENT** — Order! I did say one day. At any rate, in the circumstances the minister will use her best endeavours to get that answer, and if it is not sometime today, then it will be tomorrow.

## CONSTITUENCY QUESTIONS

### Western Metropolitan Region

**Ms HARTLAND** (Western Metropolitan) — My question is for the Minister for Roads and Road Safety. The government has now released its western distributor reference design. This shows the proposed route for truck off-ramps to Hyde Street. On the southern side of the freeway the proposed ramp would run alongside the Donald McLean Reserve, which already has a very slim buffer of green space between the existing exit ramp and the oval. The design shows the truck off-ramp would be 1.3 metres higher than the West Gate Freeway and 8.85 metres above the Williamstown Road exit ramp. This would create a visual eyesore and bring more diesel truck pollution alongside the sports oval.

My question for the minister is: how far towards the oval will this elevated truck ramp encroach, and what noise, amenity and pollution protections will be

provided to protect children playing on the sports fields?

### Western Metropolitan Region

**Mr FINN** (Western Metropolitan) — My constituency question is to the Minister for Education. I refer the minister to the eight school sites in the City of Brimbank and surrounding areas currently for sale, and I ask the minister: what demographic studies, reports or information exist that demonstrate that these school sites will not be needed in the future as a result of urban consolidation or younger families moving into the catchment area of these school sites, and will the minister make the justification for these school site sales publicly available?

### Northern Victoria Region

**Ms SYMES** (Northern Victoria) — My constituency question is for the Minister for Education. The Andrews government and the minister in particular are working tirelessly to make Victoria the education state, and after four years of neglect and no new schools built we have a lot of catching up to do. Our efforts are evident across northern Victoria, which has benefited from a massive injection of capital investment to rebuild many country schools from Mildura to Echuca, Benalla, Rutherglen, Mansfield and Broadford, just to name a few. However, there is still much more work to do, and with this we have some pressure points, particularly in growth areas, where our school communities are feeling the squeeze. One such community is Beveridge and Mandalay.

My lower house colleague the member for Yan Yean and I have been working closely with the school and the community to identify their short-term as well as their long-term needs. I ask that the minister advise when he intends to visit Beveridge Primary School to meet with staff, parents and students to hear firsthand the infrastructure challenges that the school and the community face with increasing population growth and enrolment numbers.

**The PRESIDENT** — Order! Technically that was not framed as a question. You were asking the minister to advise, but that is not a question. I will take it that you asked: ‘Can the minister advise me?’.

### Southern Metropolitan Region

**Mr DAVIS** (Southern Metropolitan) — My matter is for the attention of the Minister for Transport, and it relates to the Level Crossing Removal Authority (LXRA) and the Ormond station development. Level

crossing removal is supported by everyone, but these three level crossings — and this was one funded by the previous government — should be rail under road. In this context the three along that line that are currently underway are very much supported, as I said, by everyone. But what was a big surprise was the huge concrete pad — the foundation that is to support a property of up to 13 storeys in little old Ormond. This has not been a transparent process, and I am asking the minister: will she release the approvals processes, the contractors and the way in which these approvals have been granted for the building of this pad — 13 storeys, far out of structure for Ormond? The secrecy and the hidden approach that has been adopted here is out of order.

### Western Metropolitan Region

**Mr EIDEH** (Western Metropolitan) — My constituency question is for the Minister for Veterans, the Honourable John Eren. In July the government launched at a local school in my region, Seabrook Primary School, a new Anzac centenary roadshow that will help teach primary school students across Victoria about the service and sacrifices of our veterans and about the story of our World War I Anzacs.

*The Messenger Dogs — Tales of WWI* puppet show follows the journey of Nell, Trick and Bullet, three dogs responsible for carrying messages between headquarters and the frontline. The free puppet show is tailored to students from prep to grade 6, telling tales of courage, determination and mateship that capture the hearts and minds of young Victorians. The 45-minute performance will come complete with an online education resource kit for primary schools to download. Each participating student will receive their own commemorative 1919 children's peace medal. In 1919 Australian children under 16 received a silver-coated medallion — a special reminder of the service and sacrifice of Australians at war.

I ask the minister to please advise how students in Western Metropolitan Region and their schools will be able to express interest in hosting a roadshow. How does the roadshow fit in with the Andrews Labor government's broader Anzac centenary agenda to educate young Victorians about our —

**The PRESIDENT** — Order! The member's time has expired. He is well over time already, and I have got to say that most of that was a public announcement rather than a constituency question.

### Northern Victoria Region

**Mr YOUNG** (Northern Victoria) — My constituency question today is for the Minister for Energy, Environment and Climate Change. Recent rain events have been very promising for much of Australia lately, with many wetlands and waterways receiving much-needed water. Already people are getting excited about what should be a ripper duck season for 2017, and breeding events are already being witnessed and monitored.

There are quite complex management roles for wetlands and the use of environmental water during times of drought. I know many dedicated people in Northern Victoria Region have been involved in providing advice on these plans with regard to particular wetlands which can be assisted. It has been pointed out that Woolshed Swamp is not one of those. It is a closed catchment and rarely receives water to levels that have environmental benefits. There is also no infrastructure to deliver environmental water through our management plans. I ask the minister: what infrastructure works need to be done to allow Woolshed Swamp to be part of those plans?

### Northern Metropolitan Region

**Mr ONDARCHIE** (Northern Metropolitan) — My constituency question is for the Minister for Emergency Services, and it concerns the Broadmeadows State Emergency Service (SES). They are landlocked because of development in their area. I have been trying to get some answers from the previous minister about what we are going to do to try to help them. One of the suggestions was that they go and look at the commonwealth Maygar defence barracks to see if there is some appropriate land there, but the Maygar chiefs have determined that the Broadmeadows SES is not suitable for their location. So these people are landlocked.

Now I do confess to the minister they are all volunteers. Connie Lapworth, a remarkable woman, is doing a great job as controller of the Broadmeadows SES, but quite frankly pretty soon they will not be able to get out of their depot. So I ask the minister if he can advise me as to the plan for where we are going to relocate the Broadmeadows SES so this wonderful group of volunteers can continue their work.

### Western Metropolitan Region

**Mr MELHEM** (Western Metropolitan) — My constituency question is for the Minister for Health, and the question I ask is: what is the government doing to

reduce the prevalence of hepatitis B and C in the Western Metropolitan Region? I have previously raised the issue of hepatitis rates in the western suburbs in this place, so I am proud to note the recent release of the government's hepatitis B and C strategies. I am particularly delighted to note that this is the first ever hepatitis B strategy and the first hepatitis C strategy since 2006.

### Northern Victoria Region

**Ms LOVELL** (Northern Victoria) — My question is for the Minister for Public Transport and it is regarding the Tocomwal rail line derailment, which I first raised in Parliament in June. I have since had further contact from the constituent who initially raised the issue to advise that she believes this line presents a significant threat to human safety. In her words, 'What's scary is that train is crossing the Pinnucks Road crossing at the same time as two school buses' and 'a passenger tourist train travels that line once a month'. She reiterated that the section of the line of concern has never been fixed, and said that, despite the recent derailments, in early July 'the train went by, engine full revved, trying to pull the back of the train back on the line'.

Recent train-vehicle collisions near Colac on 13 July and near Toolamba on 27 July are proof that there is a very real risk of such collisions and that minimising this risk should be a government priority. What will the minister do to improve the quality and safety of the Tocomwal and Toolamba rail lines to prevent future derailments and vehicle-train collisions?

### Western Victoria Region

**Mr MORRIS** (Western Victoria) — My constituency question is directed to the Minister for Public Transport, and it relates to the recently released new Public Transport Victoria bus routes in Ballarat. The new bus routes that were released were mightily disappointing for the growth suburbs of Lucas, Alfredton and Delacombe. I have heard from many residents who are quite concerned that these growing suburbs — Alfredton was growing by 5.4 per cent recently — are not being appropriately serviced by the new bus routes. So the question I ask is: will the minister review Public Transport Victoria's bus routes in Ballarat to ensure that they better serve our growing suburbs?

**Sitting suspended 12.59 p.m. until 2.03 p.m.**

## CORRECTIONS AMENDMENT (NO BODY, NO PAROLE) BILL 2016

*Second reading*

### Debate resumed.

**Mr O'DONOHUE** (Eastern Victoria) — I would like to start by thanking all speakers who spoke on this bill: ministers Dalidakis and Herbert, Ms Pennicuik, Mr Mulino, Ms Bath, Mr Finn and Mr Bourman. I appreciate those contributions to this debate, because this issue of parole for murderers is a very important and serious one.

There has been discussion during the debate that the government wants to work with the opposition on this matter, and the minister actually said he had received advice from the Department of Justice and Regulation and the Adult Parole Board of Victoria (APB). I must say it is disappointing that not a single member of the government has spoken to me about this bill before this morning since I put it on the notice paper back in February. Whilst I appreciate the sentiment and the words, the actions do not reflect that sentiment or those words.

I am disappointed too that the government and the Greens will not be supporting this bill. I think their concerns are mislaid and unfounded. Let me go through the arguments that the first speaker for the government, Minister Dalidakis, put on the record. He suggested first of all that the coalition government did nothing, and then of course Minister Herbert directly contradicted him in his contribution by saying the Callinan reforms to the parole system are working well. Of course that was an initiative that was initiated and delivered by the previous government. It actually is not true to say that the coalition government did nothing in this space; in fact we did the most comprehensive reform of the parole system for many, many years.

This reform is consistent with the tenor of the 23 recommendations made by Mr Callinan, and it builds upon those recommendations that he made. To pick up Ms Pennicuik's point about that, I completely reject that notion that somehow this reform is at odds with the tenor and direction of the Callinan reforms, because those reforms are all about accountability, about prisoners having a higher bar to meet before being considered for parole, about toughening the system and about making prisoners more accountable for their actions, both in the prison and also, if they are lucky enough to be released on parole, in the community.

Minister Dalidakis and indeed Minister Herbert both said that the courts currently consider victim impact statements. That is true, and there are two points about that: victim impact statements are a relatively new initiative, and neither minister disclosed how many of those seven people in jail that that will relate to. But this is a different issue from that issue of victim impact statements, because I think some members think that changing the parameters of parole is somehow changing the sentence of the prisoner. It is not. If a prisoner is granted parole, they are technically still serving a prison term but are living in the community. The prison term is the prison term as set by the court, so this is not in any way altering the sanction or penalty given to the person found guilty. It is merely adjusting the conditions that apply to this cohort for them to be eligible for parole.

As the High Court has found in several cases — I think the case of Crump is one of those — parole and the granting of parole is an executive function and the requirements for parole may be altered by the executive from time to time. That is merely what I am seeking to do with this bill, and it is absolutely consistent with the Callinan reforms, which also changed the parameters by which people would be granted parole. Indeed Ms Pennicuik highlighted the different streams for the seriously violent and sex offenders, so we already class certain prisoners in a different way, depending upon their type of offending.

I completely reject the notion that this bill may be unconstitutional because it has not been tested, as Minister Dalidakis asserted. Parole is a function of the executive.

The High Court has held that the conditions to be met for the granting of parole may be altered from time to time and that the prison term itself is not altered by those changes, because there is no inherent right to parole — something Mr Callinan emphasised in his report on several occasions, particularly by saying in one of his recommendations that the rules of natural justice should not apply and in another of his recommendations that the Charter of Human Rights and Responsibilities should not apply. Again I make the point that this bill is consistent with the Callinan recommendations. It is very similar to the legislation passed by the South Australian Parliament — by the Labor government in South Australia. What a pity it is that today we are not working in a bipartisan way across the chamber in the interests of victims and community safety.

Government members, including Minister Dalidakis, made much of the point that this bill will only apply to

seven prisoners and that none of them are eligible for parole for 12 months. What he did not say was that if we change the parameters, as this bill seeks to do for parole eligibility for this category of murderer, who knows what the outcome might be? Who knows what the outcome might be for one of those seven in jail who may reconsider their position in light of the changed parameters had this bill had the support of the government? We actually do not know the answer to that question. The fact that there are 12 months before any of these prisoners are eligible for parole is not a significant factor in my opinion.

As Minister Herbert would know, the APB is gathering material on prisoners, particularly serious criminals, in an ongoing fashion and there are many hoops for them to go through following the implementation of the Callinan recommendations by the previous government. A change now could have a material impact on one of those murderers in jail.

I agree with members who said that we do not want to build false expectations. No-one in this house is intending to do that, but what we want to do is provide the legislative framework that encourages disclosure, for these offenders to come clean and disclose what they know. If that helps just one family, it is well worth it. It has been an absolute privilege in my time as both a minister and a shadow minister to work with a number of victims of crime, some of whom are here today. I deeply respect their views on these issues given their often tragic and very difficult personal experiences and circumstances. If we could relieve the pain for just one of those families, that is time well spent by this place and by this Parliament. It really does beggar belief that the Greens and Labor are going to oppose this bill.

Government members spoke about this being a very complex and difficult issue. Actually it is a very simple issue: do you support the rights of victims; do you see these issues through the lens of the impact on the victim? If you do, you have but one conclusion, and that is to vote in favour of this bill. Often governments — and I am sure I was guilty of it at times, too — use words like ‘complex’ and ‘challenging’ and ‘more analysis’ as ways to obfuscate and delay and not make a decision. Today is one of those days when you need to make a decision, because ultimately this bill is very simple. It is narrowcast, it has been modelled on the bill the Labor Party in South Australia put through their Parliament and it was developed by the office of chief parliamentary counsel with their input and guidance. The bill is workable. The bill should pass. It is very disappointing that the government is not going to address this issue and pass this bill.

I also want to reflect on some of the comments made by members about the role of the police. Giving the police a distinct role in the legislation by providing for the chief commissioner to prepare a report on the way a prisoner has obliged in disclosing information is again consistent with the Callinan recommendations, because Mr Callinan found in his report that there is a disconnect in the information sharing between Victoria Police and the APB, and that that had very unfortunate consequences. That is why members of Victoria Police are now embedded at the adult parole board, working side by side with the APB. This actually builds on that work that has already been done.

Some members critiqued the discretion the police would have. I have full and absolute confidence in the members of Victoria Police, particularly the experienced, dedicated members who will do the investigations into these types of crimes, into murders. They are people of the highest calibre, the highest skill and the highest capacity. So I am happy for a bill to empower them to advise the adult parole board. That is in effect what this bill seeks to do.

Other members, Minister Dalidakis and Minister Herbert also said, ‘Well, someone may have mental health issues. They may not remember the details. They may have other reasons why they can’t assist’. Those issues are contemplated in the bill, and that is exactly why the police have the discretion to consider these issues in the test that is established through the bill. Frankly, I think government members have not really understood the test that has been created and they have not bothered to examine the bill and the way it has set out its purpose. As I say, not a single member of the government has bothered to speak to me about this since I presented this bill to the Parliament in February, which does reflect on the words of collegiality that have been offered by the government. The actions do not reflect the words.

The other point made by Minister Dalidakis and Mr Mulino was that perhaps this bill should go further. We could look at manslaughter; we could look at arson. The opposition stands ready, willing and able to examine those issues with the government, but that is no reason not to pass this bill. That could be the second stage of the reform that the government may wish to introduce at a later time or work with the opposition through another bill in the Parliament. But that is not a reason to delay today. There is a very simple and clear proposition before this house, and that is to hold murderers to account, to attempt to give peace to victims and to encourage through this bill the disclosure of additional information to deliver that peace.

Again I thank members for their contributions. I welcome the support many of the speakers have already expressed, and I sincerely hope that, notwithstanding the objections of the Greens and Labor, this bill will pass the Legislative Council.

#### House divided on motion:

##### *Ayes, 20*

Atkinson, Mr	Morris, Mr ( <i>Teller</i> )
Bath, Ms	O’Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Carling-Jenkins, Dr	Patten, Ms ( <i>Teller</i> )
Crozier, Ms	Peulich, Mrs
Dalla-Riva, Mr	Purcell, Mr
Davis, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr

##### *Noes, 18*

Barber, Mr	Mikakos, Ms
Dalidakis, Mr	Mulino, Mr
Dunn, Ms ( <i>Teller</i> )	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Shing, Ms
Hartland, Ms	Somyurek, Mr
Herbert, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr ( <i>Teller</i> )	Tierney, Ms

#### Motion agreed to.

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

##### *Third reading*

#### Motion agreed to.

#### Read third time.

### STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

#### Reference

#### Mr BOURMAN (Eastern Victoria) — I move:

That, pursuant to sessional order 6, this house requires the economy and infrastructure committee to inquire into, consider and report on, no later than 22 August 2017, the Royal Society for the Prevention of Cruelty to Animals Victoria (Inc.) in relation to —

- (1) the appropriateness and use of its powers pursuant to the Prevention of Cruelty to Animals Act 1986, including in the context of its other objectives and activities;
- (2) the appropriateness and use of funding provided by the Victorian government, including in the context of its other objectives and activities; and

- (3) any other consequential matters the committee may deem appropriate.

It gives me pleasure to rise to speak on my motion 289 regarding an inquiry into the RSPCA. Without going through the whole motion, it seeks an inquiry into the appropriateness and use of the RSPCA's powers pursuant to the Prevention of Cruelty to Animals Act 1986, including in the context of the RSPCA's other objectives and activities, the appropriateness and use of funding provided by the Victorian government, including in the context of its other objectives and activities, and any other consequential matters.

Just as a quick history of the RSPCA, it was founded in 1871 — so it has been around for quite a while now — and now operates 10 shelters across the state. As we know, RSPCA Victoria is part of the wider Royal Society for the Prevention of Cruelty to Animals organisation. The original remit of the RSPCA was to ensure the welfare of animals and that they were not treated cruelly.

The RSPCA in some states is different from a lot of other private entities in that it operates an inspectorate on behalf of the government. The funding to RSPCA Victoria is currently to the tune of \$1 million per year. I have been told, and have no reason to disbelieve, that the government feels that the public gets excellent value for its money for that \$1 million, in that the organisation itself puts in probably more effort than the dollars would suggest.

The issue, as I see it, that has reared its head is one of priorities and productivity. It has become apparent that as well as things might be going with the spending of the money, there are problems, and things could be a lot better. We see representatives of the RSPCA indulging in activities such as protesting duck hunting, which is an animal rights issue, whilst letting animal cruelty issues go unattended, or allowing those cruelty issues to be dealt with in a manner that could only be charitably called bungled.

So what has been going wrong? There have been some recent cases, such as the horses in Bulla, and some historical issues, such as the inappropriate killing of the cows in Framlingham in 2003, which was only settled in 2013 with the RSPCA having to pay about \$1.3 million in compensation. The horses in Bulla were in a deplorable condition. RSPCA Victoria had been previously advised of the condition of these horses, yet nothing was done. When they did arrive, there were 23 dead horses and 22 in a condition that was dire. A neighbour called the RSPCA on 22 March but the horses were not seized until April. The delay may not sound long, but for the 22 starving horses it was

obviously a very long time. I do not know if any of the horses died in the period between late March and the time the RSPCA arrived and I do not know if any of those horses would have been able to be saved, but the fact remains that the delay was too long.

Then there was the ducking and weaving after the fact and that the RSPCA were trying to blame the man who reported the condition of the horses by saying it was not a good enough report. In fact the RSPCA had apparently inspected the property but had not been able to ascertain the condition of the horses. This is hard to understand. Something does not gel. Then when the police and the local vet tried to get the RSPCA to attend, they were told that the RSPCA do not attend on weekends. That the police attended first raises the question of what exactly is going on within RSPCA Victoria when there are so many people trying to get action, yet the RSPCA were the last ones on board. I have heard that there were safety concerns for the inspectors if they attended the property. The safety of the inspectors must be of utmost concern, but in my opinion we have one of the best police forces in the world to help with these situations. As it turns out, it appears they had already attended. As an excuse, it does not wash.

The case of the 131 cows in Framlingham, out in the west of the state, is a more complex case. The cows may have been killed in what was described as indecent haste in 2003, but it took 10 years to settle. The cost to the RSPCA was extreme and may well have been a lot less if the case was not dragged out for so long. As I understand it, the cows were transported from drought-ravaged New South Wales in poor condition to Framlingham to be rehabilitated. The cows were supposed to be nursed back to health but never got the chance.

There was a more recent incident where the RSPCA were tipped off about a puppy farm but failed to act for a number of years. I could go into detail but the point is made and I do not need to just hammer on about what they got wrong. There are still issues.

Ironically it is not just the shooters and farmers and so on who are concerned with the direction of the RSPCA and where they are heading. Whilst I think they are heading towards being animal rights extremists, the animal rights extremists do not think they are going far enough. There is a website run by animal libber extremists devoted to hammering the RSPCA for not going far enough, so I do feel they are in an interesting spot.

The anti-hunting stance taken by RSPCA Victoria is also at odds with their approval of certain meat products. You cannot be opposing hunting, saying it is cruel, and then approve butchered products on the premise that one method of killing animals is cruel but another is not. In fact if you look at the life of a farmed duck versus that of a wild duck, you would have to be ideologically bound to think that there was any difference. At least the wild ducks get to live free before getting harvested. The farmed ducks do not get that. Duck hunting, whether you approve of it or not, is no more cruel than the farming and slaughter of ducks in an industrial setting. It is therefore an animal rights issue.

Mistakes are made. That is human nature. Sometimes the machine of bureaucracy works in an unwieldy manner with unpredictable results, but this is not a one-off. There is a course of conduct here that does not seem to be the RSPCA being in control of their main function of providing the very worthy service of animal welfare. Having public money, the RSPCA invite scrutiny from public bodies, such as us in the Parliament. It is fine to commission an internal inquiry, as RSPCA Victoria have done, but that is not up to the expectations of the public. I do look forward to receiving the report from the ex-Chief Commissioner of Police, Neil Comrie, and the recommendations. The commissioning of that internal review is telling in itself. It is an acknowledgment that there are problems, and it is another reason that an external review is warranted.

Before I finish, I want to make sure I put it on record that I acknowledge, appreciate and applaud the animal welfare work that is done by dedicated and hardworking staff and volunteers. My inquiry is not about denigrating these people or their work. It is about seeing what is wrong — and the organisation itself has acknowledged this — but making the investigation public and transparent.

**Mr LEANE** (Eastern Metropolitan) — In response to Mr Bourman's motion, for the reasons Mr Bourman touched on the government will not be supporting the motion for this reference because there is a review, which we believe is independent, going on as we speak, and I will touch on that further.

I appreciate that some people may not be particularly enthused by the stance of some people in the RSPCA. In particular Mr Bourman said he had an issue with some of their stances on hunting. But we would probably all agree that despite some of the problems that Mr Bourman pointed out — and no-one is perfect — the RSPCA has a good name in the Victorian community and has had for a long time. As

Mr Bourman acknowledged, people appreciate the work that they have done for a long time around animal welfare and as strong activists against animal cruelty.

In that vein the RSPCA receives more than 10 000 cruelty reports every year and manages all elements of their investigation from the initial inspection through to prosecution. As Mr Bourman pointed out, the Victorian government does fund the RSPCA inspectorate to do that work to the tune of \$1 million annually. The government made an election commitment of an additional \$5 million for the RSPCA to strengthen their capacity in this area. I think there may be quite a need for that, taking into account a couple of examples that Mr Bourman brought up that need to be looked at.

I think that is relevant to the investigation that Neil Comrie, a previous Chief Commissioner of Police, is leading with the help of a team of experts; we would not expect Mr Comrie to have all the expertise and advice he would need to delve into such an interesting and diverse area. I have got to say that Neil Comrie will probably be remembered as one of our better police commissioners when we look at the history of Victoria Police. He is quite well respected.

In May this year a review was called for. The four terms of reference for the review are:

1. Describe the scale and scope of the animal welfare and cruelty reports in Victoria.
2. Analyse resourcing and funding levels, and if appropriate, recommend alternative operating, funding and resourcing models.
3. Document RSPCA Victoria's operational response to reports, including all associated systems and processes, and recommend any improvements that can and should reasonably be made.
4. Document RSPCA Victoria's approach to prosecution, including all associated systems and processes, and recommend any improvements that ... should reasonably be made.

Obviously the review is calling for submissions from the community and interested parties. I think the review would welcome submissions regarding Mr Bourman's concern that the RSPCA might be made up of animal rights extremists rather than doing what the RSPCA should set out to do in his view. I just want to touch on that.

There are some concerns and questions that the independent review is aimed at addressing. The critical questions are:

What is the scale of animal cruelty in Victoria?

I cited the number of calls that the RSPCA gets in relation to this.

What resourcing and approaches need to be put in place to ensure animal cruelty is being adequately investigated and prosecuted, and community expectations are being met?

Mr Bourman raised concerns about the RSPCA not being available on the weekend. Maybe that is something that could be looked at if that is the case.

Are there any ways RSPCA Victoria could use the resources it has right now more effectively and efficiently?

I think that goes to Mr Bourman's concerns. The review will look at that. If there are ways resources are being used that are of concern to the community, I think that will be fleshed out and people should put in submissions to that end. But as I said, the RSPCA has had a good name in our community for some time, as has Neil Comrie, the previous Chief Commissioner of Police. There is a review going on, and I hope it will come out with some good recommendations which the government can accept.

I have a concern about the Standing Committee on the Economy and Infrastructure doing work that is already being done. It has a number of references currently, and it should do justice to all of those references rather than doing work that is already being done. I appreciate that if this work was not being done, it would be a fair reference. Maybe if the committee could wait to see the result of this review and Mr Bourman could review whether he needs to put this motion up again at that stage, that would be a fair and reasonable thing to happen. As I said, because there is a current review and an acceptance that there needs to be a review by the government, we will not be supporting an extra review by the upper house committee.

**Ms PENNICUIK** (Southern Metropolitan) — I welcome the opportunity to speak on Mr Bourman's motion today that the Standing Committee on the Economy and Infrastructure inquire into and consider by August next year the RSPCA in relation to:

the appropriateness and use of its powers pursuant to the Prevention of Cruelty to Animals Act 1986, including in the context of its other objectives and activities —

that is, the objectives and activities of the RSPCA.

The second item in the motion is:

the appropriateness and use of funding provided by the ... government, including in the context of its other objectives and activities ...

I presume that also refers to the RSPCA.

The third item in the motion is:

any other consequential matters the committee may deem appropriate.

Firstly, I make an observation that this is almost word for word similar to a motion that was moved by the Shooters, Fishers and Farmers Party in Western Australia — almost a carbon copy of that particular motion — in May of 2015. Having read through a lot of the documentation with regard to that particular inquiry, one could say that certainly from the point of view of our representative on that inquiry and the ALP representative on that inquiry the report was quite controversial in terms of, in a nutshell, making recommendations and findings that did not flow from the evidence that was presented to the committee. So we have the problem there. Anyway, I say that.

In terms of the motion here, I will just make the point that there is a pattern here in putting these motions that I have noticed. Perhaps there are motivations behind it that are above and beyond what Mr Bourman said in his relatively brief contribution.

The RSPCA, as Mr Leane and Mr Bourman referred to, is already a subject of its own commissioned but independent review. It is not an internal review; it is an independent review that is being conducted by former Chief Commissioner of Police Neil Comrie. That review commenced, I think, in May of this year and is running through to next month. The terms of reference of that review are:

1. Describe the scale and scope of the animal welfare and cruelty reports in Victoria.
2. Analyse resourcing and funding levels, and if appropriate, recommend alternative operating, funding and resourcing models.
3. Document RSPCA Victoria's operational response to reports, including all associated systems and processes, and recommend any improvements that can and should reasonably be made.
4. Document RSPCA Victoria's approach to prosecution, including all associated systems and processes, and recommend any improvements that can and should reasonably be made.

I will state that I was invited to make a submission to the review or at least to speak to the review team, but I was not able to do that so I have not done that, but I look forward to reading the report. What I would say is that what is being looked at by this particular independent review really covers off on the matters that are mentioned in Mr Bourman's motion.

The other issue that was raised by Mr Leane — and not mentioned by Mr Bourman, although I am sure he would agree that we have actually spoken about this — is the timing of the commencement of Mr Bourman's inquiry. Mr Bourman mentioned that he would like to see it start after the tabling of the independent review, but there is nothing in the motion to that effect. While there is this independent review being conducted — which I think by the terms of reference is quite comprehensive — and I would say also being headed by a former Chief Commissioner of Police, a person who I would think would have vast experience in how to conduct a review and investigation and also lead a team to do something like that and vast experience to do that, I would have every confidence that this will be a thorough, comprehensive and credible report that will come from Mr Comrie and his team.

That is the context in which we are looking at this particular motion. Perhaps I am saying there is no need for this particular motion at this time, but I also have some other points to make about why the Greens are not able to support this motion at this time. This would not be necessarily consistent with the Greens position across the country. My Greens colleague in Western Australia Lynn MacLaren, MLC, and her Labor colleague Ms Talbot wrote a minority report to the Western Australian inquiry — quite an extensive minority report, in fact — pointing out where many of the findings and recommendations had no bearing to the evidence that was actually presented to the committee.

My colleague Mark Parnell in South Australia quite some time ago put up a similar motion in the South Australian Parliament, putting forward the issue that Mr Bourman raises in his motion about the RSPCA having an investigatory function under the Prevention of Cruelty to Animals Act, which exists in most states and territories to varying degrees and in varying ways that that is done, but not in all states and territories — it does not exist in Queensland from my memory — and the allocation of some public money to that function.

This is an issue that has been discussed over many years. The appropriateness of it has been discussed and the level of it has been discussed. For example, we know that pretty well the funding that is provided to the RSPCA in those states where they have the investigatory function does not cover the cost of the investigatory function, so the organisation has to use its public donations to augment that particular function in almost every case as far as I can work out. That is a key question, but I think that question is actually being investigated or being looked at in the independent review that is currently underway, so I would be very

interested to see what comes out of that. Of course the current CEO of the RSPCA, Dr Liz Walker, has said that she is quite prepared and the organisation is prepared to have these things looked at and in fact has commissioned a review and inquiry to actually look at those things.

Mr Bourman raised some issues — some terrible issues, including the issue of the horses at Bulla and the cattle at Framlingham — and there are any number of other issues that I also know about. We could all stand up here and relate the issues where the RSPCA and/or the police and/or a department and/or a council charged with the investigation of animal cruelty have fallen short in their following up and prosecution of those issues. It happens all the time, and it is not just the RSPCA that is at fault here. What is at fault is the lack of priority that is given by government to animal welfare; that is what is at fault. My other fundamental concern with this particular motion is that it focuses on the RSPCA.

If we look at what we actually have in terms of animal welfare in this state and pretty well in other states, we have no overarching body that is responsible for animal welfare and prevention of animal cruelty. That is the no. 1 problem. It has been the Greens' longstanding policy that there should be an independent regulatory body for animal welfare appointed at a commonwealth level and at state levels that oversees animal welfare across the board.

In Victoria, for example, just to name the major instruments, you would have the five acts — prevention of cruelty to animals, primary industries, domestic animals, wildlife and racing. There are the agencies — four departments, with all their levels of authorised officers — the police, local councils and the RSPCA. If you join all those together in a matrix of lines, it makes Noodle Nation look very simple. That is the situation.

Then we also have the chief veterinary officer floating around there. Not only is this situation under-resourced and under-prioritised, it is also riddled with conflicts of interest. For example, the department of agriculture is meant to be on the one hand looking after animal welfare and on the other hand promoting agricultural industries, including intensive farming industries which involve cruelty to animals. The racing industry is riddled with conflicts of interest in that the racing integrity commissions of the different codes are somehow meant to police animal welfare at the same time as promoting the industry. Report after report has shown us that that is not working. It does not work. It is an inherent conflict of interest.

What would be a good thing would be to wait for this independent review into the RSPCA being conducted by Mr Comrie and to digest that and look into it. At the same time, if there was going to be a review, the sort of review I would be very happy to support and may even put up is a review into the whole system and how it is failing animals across Victoria. That is the issue. That is a fundamental problem. Whatever criticisms that can be levelled at the RSPCA where it has failed in certain instances — and some of them have been mentioned already — the RSPCA has acknowledged those. These criticisms have been pointed out, Mr Bourman says, by extreme animal activist groups or animal advocates. Perhaps Mr Bourman puts me in that category. I am certainly a strong advocate for animal welfare and animal rights. I believe in animal rights. Animals do have rights. They have rights to be treated with respect, to be fed and watered, to be allowed to move freely. Those are rights that I believe animals have and they are being curtailed every single day in this state.

I acknowledge that Mr Bourman said in his contribution that he appreciates the work done by the staff of the RSPCA, as I would suggest do most Victorians. It may not be the perfect organisation, but it still does a wonderful job in rescuing animals, looking after animals, trying to rehome animals and advocating against animal cruelty. I know it did not take Mr Bourman very long to get to duck shooting. I think I timed it as being about 45 seconds into his contribution before duck shooting came up, which I think is at the bottom of all this. The RSPCA has always opposed duck shooting, because duck shooting is blatantly cruel. I have witnessed it many, many times, so I cannot be accused of being some latte-sipping person who does not know what goes on on a wetland during duck shooting season. I have seen it very closely, and I know what goes on. I will not be told by duck shooters that it is not cruel, because it is cruel. I have seen actual shocking acts of barbarism, not only against 'game species' birds but against non-game duck species and against other species that are not ducks, do not look like ducks but are still shot by shooters.

**Mr Bourman** interjected.

**Ms PENNICUIK** — Mr Bourman might want to make light of it, but it is not funny what goes on, and it is cruel. There is no other way to say that than that it is cruel and that it is barbaric and completely unnecessary. It is an activity that should be eliminated in Victoria, which is basically the only state that really in any way allows it and in fact promotes it through a government agency, which is another problem. It seems to me that the Shooters and Fishers Party were upset because the RSPCA did what it should do with its mobile vet and

came to the wetland in order to deal with injured wildlife during the opening of the duck shooting season. I am supportive of that. I think that is an appropriate use of its mobile veterinary truck. I was glad to see it there. I do not see that as a conflict of the objectives or aims of the RSPCA to be doing that.

I do acknowledge, as I said earlier, that there have been long discussions over many years in all states about the dual role that the RSPCA has held for a long time in those states. That is actually being looked at by the current inquiry. I acknowledge too that there are many in the animal welfare sector who are critical of the RSPCA. I am critical of it too when it falls down, but I want to put it in the context that we cannot just pull out the RSPCA and point the finger at it when there are nowhere near enough resources put into the prevention of animal cruelty in this state or into animal welfare generally. We have domestic animals, farm animals and wild animals across Victoria suffering cruelty every day. That is not the fault of the RSPCA.

As I say, the Greens would like to see the establishment of an independent regulatory body to oversee the whole animal welfare system in Victoria. That is also our policy in other states and at the commonwealth level. I note the organisation Lawyers for Animals, which I am familiar with. It does a great job in assisting in the prosecution of people who have been charged with cruelty and aggravated cruelty to animals. The model it calls for is based on the New York police department, which has a partnership with the American Society for the Prevention of Cruelty to Animals — a similar body to the RSPCA — whereby the police manage the investigations in partnership with that body and then that body then takes on the welfare of those animals that have been rescued from whatever situation they have been found in.

Mr Bourman raised the issue of safety of RSPCA inspectors, because they do not have the powers of police and they are not armed like police. They do go into dangerous situations, and we do know that inspectors have been murdered and inspectors have been assaulted. It is a situation that does need to be looked at too. I know that when my colleague in South Australia raised the issue many years ago — it was about 10 years ago — in South Australia there was a change to the policy on national park rangers as some of them had been assaulted. A policy was brought in to make sure that they were not on their own when they were out in the national parks. Often RSPCA inspectors are going on their own into domestic or other situations where there is animal cruelty, so there are a lot of issues with regard to dealing with people who are perpetrating animal cruelty.

When I am campaigning about stopping greyhound racing or duck shooting or ending puppy farms or jumps racing — all of these activities which inflict needless injury and suffering on animals — I get a lot of people coming back to me and asking why I do not care about human cruelty. Well, of course I care about that. It is possible to care about both. It is in fact worth recognising, I think, that there is a very well known connection between animal cruelty and violence against people, so those who engage in animal cruelty — particularly children who engage in animal cruelty — often go on to become violent people, particularly in domestic violence situations. There is that connection and that is another reason, apart from not allowing animals to be injured or suffering, to stop animal cruelty — and that link is very well established in the literature. Mr Morris's brow is furrowed. I suggest he read the literature, because it is very well established.

*Honourable members interjecting.*

**Ms PENNICUIK** — Well, the lead speakers, Deputy President, are allowed to stray a little bit from the motion, but I am making a point about the link between animal cruelty and violence by people who do that.

I would like to thank the staff of the RSPCA, present and past and future, who have done such a good job and who are people dedicated to the welfare of animals. If there does need to be a parliamentary inquiry, it needs to be into the whole animal welfare system and not just into the RSPCA, which is already undertaking what I think will be a comprehensive and credible independent review by former Chief Commissioner Neil Comrie. For those reasons, the Greens will not be able to support the motion put forward by Mr Bourman.

**Mr MORRIS** (Western Victoria) — It is with great pleasure I rise to speak on Mr Bourman's motion 289. I wish to congratulate Mr Bourman on taking the initiative to move this particular motion, and I am very pleased to be able to say that the coalition will be supporting Mr Bourman's motion. I would also like to note that the first two speakers, Mr Bourman and Mr Leane, are actually members of the Standing Committee on the Economy and Infrastructure. I am also on that committee, and I am very much looking forward to the opportunity, if this house agrees to this motion, to endeavour to work through this particular reference, which I think is incredibly important.

I did want to begin by saying I too acknowledge the good work that the RSPCA does, and I think the majority of Victorians would agree with me that there is much good work that the RSPCA does. Through that

lens I think it is also incredibly important that we do understand that there may be challenges in the work that the RSPCA does and indeed where its focus and attention is.

It is an interesting scenario that we see with the RSPCA insofar as it is a body that is quite political in many aspects. It does work on a political level, opposing duck shooting and jumps racing amongst other things. These are things that we on this side of the house certainly support. So the RSPCA is a political organisation in that respect. However, it is also an organisation that has statutory powers, and indeed it is funded by the state government — so I think it is incredibly important that we do undertake this inquiry.

Point 1 of Mr Bourman's reference speaks to the appropriateness and use of the RSPCA's powers pursuant to the Prevention of Cruelty to Animals Act 1986, including in the context of its other objectives and activities. I do believe it is appropriate for an upper house committee to investigate how it is that the RSPCA manages the obvious conflict in the work that it does in ensuring that it does fulfil its statutory obligations, the appropriateness of the funding from the state government and also the work that it does in ensuring cruelty to animals does not occur in the state of Victoria and indeed prosecuting those who are found guilty of cruelty to animals here.

Regarding some of the examples that have already been spoken about — the horses in Bulla that were found in an exceptionally poor state unfortunately after a lag in the time from when the condition of those horses was first reported to the RSPCA and the issue of the cattle at Framlingham, which has been spoken about by a number of speakers — I do believe these are issues that should be investigated.

I was actually quite amazed to hear Ms Pennicuik speak ill of upper house committees and say that they are not the appropriate way to go about doing the work of inquiring into such things. Mr Comrie's inquiry, I am quite sure, will do a good job of what it is doing, but to say that an upper house committee could not also look at the RSPCA and the work that it does, I do not agree with that whatsoever. Indeed, the upper house economy and infrastructure committee is an exceptionally busy committee, which both Mr Bourman and Mr Leane know firsthand. However, I do note the date for reporting is not until 22 August 2017, so over 12 months from now is when that next reporting date is. It is my wife's birthday, so it is actually a good reminder of that particular date.

**The ACTING PRESIDENT (Mr Ramsay)** — Order! A membership of the RSPCA is a good gift.

**Mr MORRIS** — That could be a very good gift to my wife, a membership of the RSPCA. I will make note of that, Acting President, and say that was your suggestion.

It is important that we do have a look at the appropriateness of this particular inquiry. As has been noted, the economy and infrastructure committee is a very busy committee. However, with the time frame that has been set in this motion, I am certainly of the view that our committee would be more than capable of conducting this particular inquiry into the work of the RSPCA and being able to report back to the house in plenty of time.

The RSPCA, I do want to say once again, is an organisation that is well respected in the community and one that does a lot of good work. However, the issue of state government funding of the RSPCA, along with the political work of the RSPCA in opposing things that are quite legal and supported by both major parties, is of course going to create an obvious conflict, and the upper house economy and infrastructure committee is I think a very good place for the work of the RSPCA to be examined. Indeed it may be that this inquiry will find that everything is very appropriate and going along exceptionally well. I would certainly come to this inquiry, if it were to be conducted, with a very open mind about the work that the RSPCA does. I would be very keen to hear from all those who have had dealings with the RSPCA, and of course the RSPCA itself, about the work that it does and how it ensures the very obvious conflicts of interest that arise due to public funding and political work are kept separate.

So it is with great pleasure that I rise to support Mr Bourman's motion. I do congratulate Mr Bourman on his initiative in bringing this motion to the house, having only just begun on the economy and infrastructure committee. I certainly hope that other members of the house support this particular motion, and I look forward to inquiring on it if the house agrees to this motion.

**Ms SYMES** (Northern Victoria) — It is a pleasure to make a contribution today on Mr Bourman's motion. Of course I welcome debates in this place about references for committees. It is always really interesting to hear what different parties and members of the house are interested in the committees looking at in inquiries, and of course we all value the work that our committees do.

In researching the motion that Mr Bourman has put forward today I was actually quite surprised to learn that the RSPCA has been around so long, having been established in 1871. During that time — obviously a very long time — the RSPCA, particularly here in Victoria, has become Australia's leading animal welfare charity. Across the state the RSPCA operates nine adoption centres, and I must commend the people at the adoption centres on what they do. I am much more attracted to people obtaining their pets from adoption centres than pet shops and backyard breeders. They also have two community pet care centres providing refuge and care for thousands of animals in our state. The RSPCA's community services include the work undertaken by its inspectorate, of course the adoption centres I have just mentioned, the veterinary clinics and, in addition to that, education teams. It undertakes valuable work both in advocating for better animal welfare outcomes and in the work undertaken by its inspectorate, which is important in investigating and resolving cases of animal cruelty reported to it. These are complementary yet clearly separate functions of the same rather large organisation.

RSPCA Victoria takes its animal protection responsibilities very seriously. Its inspectors are appointed under the Prevention of Cruelty to Animals Act 1986 to investigate and of course prosecute, where appropriate, cases of animal cruelty. The RSPCA Victorian inspectorate manages welfare and cruelty reports about all pets and companion animals, all horses, and livestock in herds of less than 10. The RSPCA sadly receives more than 10 000 cruelty reports every year and manages all elements of the investigation, from the initial inspection through to prosecution. With growing public awareness and concern, cruelty reports to RSPCA Victoria have steadily increased, so we are going to see more than 10 000 cruelty reports every year. I have to say I think barely a day goes by when I do not see something on social media that is connected to the reporting of welfare incidents of cruelty against animals.

Successive Victorian governments have supported the RSPCA to meet some of the costs of running its inspectorate. I think we have heard today that the RSPCA receives from the government \$1 million annually to support its inspectorate function. The arrangement is underpinned by a memorandum of understanding, and I understand it sets out that the RSPCA is primarily responsible for investigation of companion animals and non-commercial livestock animal welfare issues, which I guess is where the 'less than 10' comes in. The Department of Economic Development, Jobs, Transport and Resources is

primarily responsible for investigation of commercial livestock animal welfare issues.

The RSPCA must report to government on its operations and account for the expenditure of the annual grant of \$1 million that it receives. Our government is making our laws stronger and toughening protections for vulnerable animals, and we all know that the Minister for Agriculture has been a very passionate advocate in this space. In the first budget we delivered on our promise to provide an additional \$5 million to the RSPCA to strengthen its inspectorate capacity. The RSPCA's new special investigations unit is focused on identifying and closing illegal puppy farms, prosecuting rogue operators and caring for, rehabilitating and rehoming rescued animals.

As with the annual grant, an agreement is in place which governs the use of these moneys, and the RSPCA periodically reports to the relevant division in the Department of Economic Development, Jobs, Transport and Resources.

On 25 May the RSPCA announced not its own but an independent review of its inspectorate, the opposite of its own. It has stated its commitment to being transparent with and accountable to the community about how the RSPCA uses both public moneys and the generous donations it receives.

This independent external review is aimed at addressing three critical questions, and I will just run through those. One is: what is the scale of animal cruelty in Victoria? The second is: what resourcing and approaches does RSPCA Victoria need to put in place to ensure it is adequately investigating and prosecuting animal cruelty and meeting community expectations? The third is: are there ways RSPCA Victoria could use the resources it has right now more effectively and efficiently?

As we have heard, the RSPCA has appointed Neil Comrie as the senior reviewer. There are four terms of reference that he is required to address in this review:

1. Describe the scale and scope of the animal welfare and cruelty reports in Victoria.
2. Analyse resourcing and funding levels, and if appropriate, recommend alternative operating, funding and resourcing models.
3. Document RSPCA Victoria's operational response to reports, including all associated systems and processes, and recommend any improvements that can and should reasonably be made.
4. Document RSPCA Victoria's approach to prosecution, including all associated systems and processes, and

recommend any improvements that can and should reasonably be made.

The review team has called for submissions from the community and other interested parties, and I am sure that they will receive numerous submissions in that process. I understand that Mr Comrie and his team are currently gathering any other information they need and that they will draft a report that obviously responds to those terms of reference.

The RSPCA has indicated that the review and its response to the review will be made public next month. Given this, the government does not reject outright the proposal of Mr Bourman; it is just seen as a bit of a duplication exercise at this point in time. We know that our committees are quite busy, so an inquiry by the economy and infrastructure committee, when we already have this other process going on, is something that we deem unnecessary.

It is crucial that organisations like the RSPCA that receive government funding look to ways to improve their operational performance and efficiency so that they are able to deliver a quality inspectorate service. But it is also important to note that more than 90 per cent of the RSPCA's funding is due to the generous support of the Victorian community. Meeting the expectations of the community is therefore in the organisation's interests to ensure they maintain that level of community support.

The government acknowledges a few high-profile cases where RSPCA investigations have not met the community's expectations, and of course Mr Bourman has outlined these. However, these are but a few instances over a period of decades, and we do not believe they should cloud the ordinarily good work of the RSPCA's inspectors and their staff. Last year there were 24 453 animals in the RSPCA's care. RSPCA Victoria successfully rehabilitated and rehomed more than 200 dogs rescued from puppy factories. Its foster care program assisted 2144 animals. That was an increase of 10 per cent on the previous year.

The RSPCA's inspectors responded to 10 740 animal cruelty complaints, the most common relating to insufficient food, shelter or water. In addition they have desexed 1249 cats and microchipped nearly 700 cats as part of the free care program for low-income earners. RSPCA has also increased its focus on horse welfare, with the installation of round yards and portable fencing panels at the adoption centres. It has also introduced a horse training program for staff and volunteers.

There are more than 3300 volunteers who support the RSPCA's programs and services. It is clear that this is

an organisation in which a huge number of Victorians have a keen interest. The government shares concerns about ensuring appropriate governance is in place, given the organisation receives money from taxpayers for its work. That is why the government is taking a very keen interest in the Comrie review of the RSPCA Victorian inspectorate, their response and its findings. Having said that, I think I have made it quite clear that I welcome the conversation that Mr Bourman has invited us to have today, but we are not in a position to support the motion that requires the economy and infrastructure committee to undertake what we consider to be a largely duplicate inquiry into the operations of the RSPCA.

**Mr RAMSAY** (Western Victoria) — Thank you, Ms Symes, for your contribution, and my apologies for not addressing you in the most appropriate manner. The motion by Mr Bourman today is probably timely, given that there are significant concerns in the industry in relation to where the RSPCA charter is going. But firstly I would like to say that when I was president of Victorian Farmers Federation (VFF) we had a very good relationship with the RSPCA through some very difficult and challenging times, not only through climatic challenges, where we had significant drought during my term as president, but also through floods and fires. So it was important that we had a good close working relationship with the RSPCA to make sure that the appropriate animal welfare standards were being complied with. We certainly appreciated the support the RSPCA gave to the farming communities during those difficult times.

I have to say that I have the utmost respect for Hugh Wirth, who at the time was chairman of the RSPCA, and I enjoyed our relationship through that period. In fact we were both challenged somewhat by our philosophical views about the importance of live export, and I appreciate that a large part of his association's membership had significant concerns in relation to the code of conduct, the Prevention of Cruelty to Animals Act 1986 and the welfare standards that were required when shipping live animals overseas on boats. To his credit, and I think to my credit, we were able to establish a code of practice that met both of our memberships' needs in relation to that trade continuing.

I probably take issue with Ms Pennicuik, Ms Symes and others on the other side who have talked about the relevance of a parliamentary committee as against the current review already being conducted by Neil Comrie, and that is no disrespect to Neil Comrie. We have seen before inquiries, whether it be an independent inquiry or a Parliamentary inquiry, run

side by side in respect of a particular issue, and in this case what I believe is quite a contentious issue, given that taxpayer dollars are being used to fund an organisation that I believe has lost its way.

It is not just me that is saying that. I can use some headlines of the past where commentary has been made around the RSPCA. For example, on 3 December 2015, 'VFF concern with animal welfare committee bias'; on 23 September, and this goes back to 2011, 'VFF claims RSPCA has "left wing agenda"'; on 27 May 2015, 'Farm criticism of RSPCA sparks call for balance between animal welfare and agriculture industry'; and on 26 May 2015, 'Farm groups, MPs believe RSPCA has lost its way'. Then there was the headline 'Farmers fear new era of extremist animal welfare allies'. That was when the RSPCA joined Animals Australia, which we know is a strong animal rights activist group.

Another headline reads, 'VFF encourages farmers to join RSPCA'. Certainly in my time we felt the only way we were going to have fair and balanced representation in relation to animal welfare, particularly the large animals, was actually to be a member of the RSPCA and invite representatives from our industry onto that board.

Some more headlines were, 'ESCAS is "false assurance" — RSPCA'. This is coming from Queensland; and, 'VFF rejects RSPCA call to close saleyards'. That was at a time back in 2012 when the RSPCA decided to remove itself from its charter again and call for the closure of saleyards across Victoria.

Then we see, going back to 2009 when I was the president, the headline 'RSPCA gets \$1.7 million for bushfire animals'. In that respect we worked very well because again, as I said, with the 2009 fires both organisations worked side by side to respond to fire impacts on animals, particularly those in the bush.

The matter that Mr Bourman raised in relation to the horses at Bulla I think just about left everyone with a total feeling of disgust, asking how a statutory body that is being funded by the taxpayer could not have the appropriate processes in place to support and care for animals that were clearly in distress or why the person who was responsible for those animals could not be stopped in relation to his treatment of those animals. As we know, there were reports to the RSPCA in relation to animal welfare issues around the treatment of those horses. In fact many of them had died, were strewn around the paddocks and were quite visible from the road.

The reporting process that went through the RSPCA seemed to get lost in the ether, and it not only took the neighbouring farmers to alert police and the police to respond but it took a long time for the RSPCA to galvanise to release an inspector to look at any potential problems associated with the treatment of those horses. And then, again, it took intervention by third parties to actually have the RSPCA revisit that property and call on the police, as they did. So there was a complete and utter breakdown of the RSPCA processes in relation to caring for and providing immediate treatment for those animals that were badly cared for by that particular owner.

We also had the issue — and I well remember this — of an inspector who inspected a property at Mortlake some decades ago who unfortunately died in the course of his work. Again I can understand why the RSPCA particularly would be hesitant in putting its inspectors in circumstances where they might be at risk, but nevertheless they are there to protect our animals. Historically it has been dogs and cats. They have branched into areas now which I believe are outside their charter, into larger animals, where they become activists with animal rights groups — Animals Australia; the loopy left fringe, as we call them — and are perhaps being misguided by stronger activist groups that are using the RSPCA brand and their membership to serve their own purposes. That is not about prevention of cruelty or care of the animals under animal welfare; it is more about animal rights, which is a distinct change from its past function. Again, I congratulate the past chair, Hugh Wirth, for his ability to provide that balance to meet the interests and needs of his membership as against those of industry.

So I think it is worthwhile, this motion by Mr Bourman:

That ... this house requires the economy and infrastructure committee to inquire into, consider and report on, no later than 22 August 2017, the Royal Society for the Prevention of Cruelty to Animals Victoria (Inc.) in relation to —

- (1) the appropriateness and use of its powers pursuant to the Prevention of Cruelty to Animals Act 1986, including in the context of its other objectives and activities;
- (2) the appropriateness and use of funding provided by the Victorian government, including in the context of its other objectives and activities; and
- (3) any other consequential matters the committee may deem appropriate.

That gives the committee chair, Mr Joshua Morris, and his committee the breadth and flexibility of this inquiry to be able to investigate certainly some of the concerns that have been raised by industry in relation to the work

of the RSPCA but also the breakdown in processes that happened particularly in relation to this most recent episode of cruelty to horses — 23, I think Mr Bourman said — that unfortunately had died on a property, yet the RSPCA was not able to prevent those deaths or in fact to respond quickly enough to provide additional care to those horses that were still living.

I hope the house does see fit to support Mr Bourman's motion, and I certainly look forward to the investigation that will follow through Mr Morris's committee.

**Ms BATH** (Eastern Victoria) — I will be brief today, but in my brevity though I would like to say The Nationals wholeheartedly support this motion referring the matter to a committee for hearing. I would also like to identify that the RSPCA certainly has a broad church of activities that it undertakes. Some of their activities include the adoption centres that we know and have, hopefully, adopted family pets from; an education role; a role in terms of behaviour and training; animal shelters and emergency rescue assistance; vet clinics; and importantly, the role of checking against animal cruelty in what we are labelling the inspectorate. So they certainly have a broad, broad range of functions that they perform within the community.

I also highlight the fact that I grew up on a dairy farm and for us the importance of animals was in our everyday life, both for their economic value and also for their intrinsic value and their value as living things.

The other comment that I would make is that during the Liberal-Nationals government, under the auspices of the then agriculture minister, Peter Walsh, that government provided \$6 million of funding to the RSPCA to support the crackdown on illegal puppy farms, and I believe much of that money is still on the table to be used.

Again, we have heard already, and I will not go over it to any great detail, that there is an independent review of the RSPCA in Victoria in terms of being a regulatory body and that Mr Neil Comrie is heading up that review, which should report back to the public in September this year. It covers a range of questions, but we have already heard those; they are on record, so I will not go through them.

The RSPCA certainly has an important role in the community in terms of animal welfare, and it is important within this upper house committee that we look at ways that we can strengthen the role and capture any needs that are missing at the moment in terms of the RSPCA, and hopefully this motion, if passed, will lead to being able to provide that function.

The RSPCA receives more than 10 000 cruelty reports every year. That is a lot of people doing a lot of bad things, in my opinion. It is alarming that the cruelty reports to this organisation have been on the increase. So the question that then arises in my mind is whether the RSPCA as a government and public-funded organisation requires further resources to prioritise the regulatory function. In accordance with the annual report last year the organisation received 10 per cent of its funding through government grants and other funding comes in through initiatives, bequests and corporate sponsorships.

We have raised in this Parliament today the issue of the Bulla horse scenario, which was very tragic, in which approximately 21 or 22 horses were found dead and 23 others were severely malnourished. In this Parliament back in April 2014 I raised a question for the Minister for Agriculture about the public concern and the public complaints and the fact that members of the public had asked, 'Why is the RSPCA not handling this as quickly and in as timely a manner as it should?'. Even the chief executive officer, Dr Walker, made a full admission on 3AW radio that the way it responded to the Bulla horses incident was not the organisation's finest moment.

There are multiple other functions and other breeds of animals that the RSPCA covers off on. I believe that going to an inquiry will better serve the animals themselves and the Victorian population and also help to direct the RSPCA and refine its role and improve its role, making it more efficient and using the government purse far better. With those words, I support the motion.

**Ms PULFORD** (Minister for Agriculture) — I would like to add some comments to this debate, and I thank Mr Bourman for providing us all with the opportunity to talk about the work that the RSPCA does in supporting animal welfare in Victoria. The government will not be supporting Mr Bourman's motion. I do not believe that the case has been made for this inquiry for a number of reasons — first and foremost, that there is an inquiry underway at the moment that is reporting in a number of weeks, so I think this is a premature move.

Former chief commissioner Neil Comrie is undertaking an independent investigation of the RSPCA following what — as previous speakers, including Ms Bath just now, have indicated — was not their finest moment following the matter at Bulla earlier this year. The investigation, I think, needs to be able to run its course without a parallel investigation clouding these matters. The government will be making a submission to Mr Comrie's investigation, and we look forward to

seeing the outcome of what will no doubt be a very thorough consideration of these issues.

It is, I think, important to recognise that the RSPCA is one of the most trusted organisations in the state and that it performs a very important role, a very special role. They do have two parts to the work that they do: they have a role in advocacy and they have a role that is afforded to them as a result of authorisations that I sign off on as Minister for Agriculture. I think all of us want to know that those things are being managed properly and that the advocacy work of the RSPCA, which has been an important part of what they do for decades and decades and decades, does not become entangled with the work of their inspectorate. I do not believe that this is something that the RSPCA have difficulty managing, and in any event these are the kinds of matters that will be contemplated by the Comrie review.

The RSPCA are provided with some government funding. In the scheme of their annual budget it is quite modest funding. They receive \$1 million a year. This is an arrangement that has been in place for many years, and it is to provide some financial support to the inspectorate function that they undertake for the government and for the people of Victoria on behalf of the government. There is a memorandum of understanding that exists between the government and the RSPCA in which there is a clear delineation of roles in responding to animal welfare issues.

Ms Bath and other speakers have reflected on the phenomenal number of reports of animal cruelty or animal welfare concerns that the RSPCA have received or that they respond to in any given year. I think it is fair to say that there is a far greater level of community interest in issues of animal welfare now than perhaps at any other time in our history. It is certainly the experience of the department's own staff who work in animal welfare that there is an increasing awareness of these issues and consequently an increase in reporting. Some of these are seasonal and some of these are not. As all members in this place would be very well aware, we have been tackling issues associated with dry conditions and drought. This has been particularly acute in certain parts of the state, and it is not uncommon for prolonged periods of drought to result in an increase in animal welfare reports. This too has been the experience of the Victorian government.

Previous speakers have cited some really big numbers: last year close to 25 000 animals were in the RSPCA's care, a foster program assisted over 2000 animals, and many dogs seized from puppy farms were rehabilitated and rehomed. The organisation also received more than 10 000 animal cruelty complaints. The work that they

do in desexing cats and microchipping cats is part of a free program that they run to encourage better cat care. The work that they do is significant, and the work of their inspectorate is a really important part of that work. So the \$1 million a year in funding that has been provided has existed through the life of at least three governments, to the best of my knowledge. It has been a consistent level of funding, and it is an amount that the government has committed to maintaining.

Prior to the election the then opposition indicated, as part of its policy of cracking down on puppy farms, that it would provide \$5 million in additional funding to the RSPCA to support the establishment of a special investigations unit. This funding was provided in our first budget, and the investigations unit has been established. I know there is an enormous level of interest in the puppy farms issue in the Victorian community, so members might be interested to know that since 2015 the special investigations unit has been looking at 44 properties of interest, which are in various stages of investigation. There have been 13 inspections, 5 which you could characterise as large-scale raids. Ten of these matters are at brief preparation stage, with a view to exploring legal remedies for breaches of the prevention of cruelty to animals legislation.

The RSPCA do a power of work for the Victorian community, but they also do a power of work in their advocacy role for animal lovers across the state. This debate presents us with an opportunity to acknowledge the work that they have been doing with Greyhound Racing Victoria in the last 12 months in particular as the greyhound racing industry in Victoria has been undertaking significant reform as a result of the live baiting scandal, which disgusted and horrified us all, and the 61 recommendations arising out of the report from Sal Perna and Charles Milne, which have been discussed on various occasions in the house over the last close to 18 months.

The Comrie review is nearing conclusion. The Comrie review came about as a result of the Bulla incident. Without wanting to get into the specifics of any one investigation, I think the RSPCA appropriately determined to undertake an evaluation of a number of matters following what I think has been rightly described by all and sundry, including the RSPCA, as not their best day. The terms of reference for the review are very similar to the terms of reference Mr Bourman is proposing. They are to:

Describe the scale and scope of the animal welfare and cruelty reports in Victoria.

Analyse resourcing and funding levels, and if appropriate, recommend alternative operating, funding and resourcing models.

Document RSPCA Victoria's operational response to reports, including all associated systems and processes, and recommend any improvements that can and should reasonably be made.

Document RSPCA Victoria's approach to prosecution, including all associated systems and processes, and recommend any improvements that can and should reasonably be made.

The RSPCA has a particular interest also in increasing its focus on horse welfare, and this is an area that has received some recent media commentary. It is a particularly challenging part of our shared responsibility to ensure animal welfare across the state.

This is an organisation in which an enormous number of Victorians, a very large number of Victorians, take a keen interest. We of course share Mr Bourman's concerns and those of the community that government resources are appropriately allocated and that taxpayers are getting value for the contribution that they make, but when you look at the annual budget of RSPCA Victoria and the extent to which their own fundraising efforts, which are significant, support the work that they do, I think members would recognise that the government's contribution of \$1 million a year is quite modest in terms of the inspectorate work that they do.

We are taking a keen interest in the Comrie review and look forward to its recommendations and to Mr Comrie's findings. I think probably only after that point is it appropriate for a parliamentary committee and the house to then reflect on that, to take that piece of work and to consider in that context where members of the house would like to take this level of inquiry. I am not sure that any organisation is particularly well served by two competing reviews running concurrently on much the same topic.

I understand Mr Bourman's interest in animal welfare issues. He and I have had lots of discussions about these things over the last 18 months since Mr Bourman joined us in this place. I know that he is well motivated in seeking this inquiry, but I think that this motion does put the cart before the horse, pardon the pun, and that we are all better served to wait for the Comrie report — the RSPCA have indicated that it will be made public — to consider the RSPCA's independent investigation into these matters and then reflect on what, if any, changes to the way the government interacts with the RSPCA are required.

**Ms PATTEN** (Northern Metropolitan) — I am pleased to speak briefly on Mr Bourman's motion to establish an inquiry into the Royal Society for the Prevention of Cruelty to Animals Victoria. I am supportive of this. I have great admiration for the RSPCA. I feel like every time I say that word I have a little song going in my head with little animals walking across the TV screen.

**Mr Bourman** — All creatures, great and small.

**Ms PATTEN** — Yes, Mr Bourman. Thank you for reminding me of that song. It is now going to be in my head for a long time. I grew up with a wombat with a little bandaged leg in the corner of my parents' living room for many years, so I have great fondness for it.

I am amazed by the work the RSPCA has been able to do, but I am supportive of a review into the RSPCA given, as Ms Pulford said, the growing interest in animal welfare in our society. We are seeing considerably more interest in it than we saw five years ago. I was somewhat struck by the small amount of funding the RSPCA actually receive from the Victorian government, being only \$1 million a year, given that, as Mr Leane mentioned, they receive over 10 000 calls for investigation each year. This does seem like a very modest amount, and I think that, given the growing concerns of the community around animal cruelty and animal welfare, the demands on the RSPCA are going to grow. Therefore looking at how we fund the RSPCA and looking at how we can effectively use this body most appropriately seems to be in order, and this seems to be a very good inquiry for this Parliament to undertake.

I do note that the RSPCA is conducting an independent review, but I have to say that when an organisation conducts its own review and calls it 'independent', I have some difficulty with it. When I looked at the terms of reference or the questions that were being asked for that review there seemed to be very little in them about the actual work and conduct of the RSPCA. In fact they seem to be looking at the scale of animal cruelty in Victoria, which is obviously quite worthwhile, and at the resourcing and approaches that need to be put in place to ensure animal cruelty is being adequately investigated and prosecuted, but they are not looking at the RSPCA itself. It is an independent review conducted within the RSPCA. I think a review with clear eyes from the outside will complement this internal review and add to it.

When we are looking at another \$5 million being given to the RSPCA by this government for work on the puppy farm industry, this seems to be a very timely

moment to be doing such an investigation. Certainly the stories that have been told here, which are really quite horrifying, are of possibly where the RSPCA has just not been adequately equipped to answer the calls for animal welfare and for investigations. It seems that when we are looking at animal welfare timeliness and speed are of the essence. So when you have got investigations that might be being reported in one month but take months and sometimes years to be completed, as Mr Bourman put it, those animals do not have that time and many of those animals will have died during the course of the investigation. We have seen complete, for want of a better word, cock-ups occur, with animals whose welfare has been of the highest concern to their owners, such as cattle needing to be moved from drought areas to areas where they can get feed but being slaughtered quite erroneously while the RSPCA, again I think quite wrongly, tried to defend their position when they should have first offered an apology.

Finally, I completely support this motion. I look forward to the results of the inquiry, as I look forward to the results of the RSPCA's own inquiry. As I mentioned before, I think that those two inquiries will complement each other. In looking forward to meeting I guess the community's demands that we take animal welfare and animal cruelty very seriously, I do think that this is a very timely motion. I hope I will be putting a submission in. I would like to see a national register of people who are cruel to animals, a register that meant if you were convicted of animal cruelty, you could never again have an animal. I think that is something to be thought about on a national level. I look forward to the results of this inquiry. I look forward to seeing the submissions for it. I commend Mr Bourman on the motion.

**Mr BOURMAN** (Eastern Victoria) — I will be as verbose and longwinded as usual. I just need to point out a couple of things. One, this is not at all a reflection on Mr Comrie and I really do look forward to reading his report. I have deliberately kept the end date of this inquiry a long way away to give that internal investigation time to bear fruit.

That brings me to puppy farms. A couple of people have mentioned puppy farms during their contributions. There is no legislation as yet. Obviously illegal substandard puppy farms are abhorrent and should be stamped out, but we also need to be awfully careful about proper breeders, such as those at Banksia Park puppy farm, who are actually doing the right thing. I have visited their place and it is a credit to them, so I really do think we need to be awfully careful when it

comes time to draft that legislation to make sure that we do not throw the baby out with the bathwater.

Lastly, I am just going to succinctly put what this is about: if you accept public money, you get a public review.

### Motion agreed to.

## COUNTRY FIRE AUTHORITY ENTERPRISE BARGAINING AGREEMENT

**Mr RAMSAY** (Western Victoria) — I must say it gives me no pleasure to move this motion in the house today. However, I am compelled to do so, given recent events and the actions currently of the Andrews government in relation to the way it is dealing with the United Firefighters Union-Country Fire Authority (UFU-CFA) enterprise bargaining agreement (EBA) and the care or lack thereof that it has shown our 60 000-strong volunteer firefighter base in Victoria. It is important I put this on the record. The motion reads:

That this house —

- (1) notes the unlawful Country Fire Authority (CFA)-United Firefighters Union proposed enterprise bargaining agreement (EBA) that will —
  - (a) limit the capacity of skilled volunteers to discharge their duties whilst attending incidents;
  - (b) discriminate against women, parents, carers and people with disabilities;
  - (c) impact on resourcing and management decisions that reside with the CFA; and
  - (d) destroy decades of CFA volunteerism and in doing so risk community safety;
- (2) acknowledges the position of Volunteer Fire Brigades Victoria who regard the current CFA board's decision to support the EBA as 'a day of infamy that will burn into the memory of every CFA volunteer';
- (3) notes that concerns about the proposed EBA have also been expressed by —
  - (a) the former minister, Jane Garrett;
  - (b) the former board of the CFA;
  - (c) the former CEO of the CFA;
  - (d) the former chief fire officer of the CFA; and
  - (e) the Victorian Equal Opportunity and Human Rights Commission;

and —

most importantly —

calls on the Andrews government to reverse its support for the unlawful EBA.

I put the question to the house: how on earth has this motion come to the house and why did it come to the house in the way it has? There is a long history here and I do not have time to go through it all, but I think it is important that we reflect on some of the detail of where we are up to at the moment and what has happened prior to this moment.

Perhaps the first and most important deal that was done by Dan Andrews and Peter Marshall was an agreement they made pre-2014 in the lead-up to the state election. The then opposition leader, Daniel Andrews, asked Peter Marshall for support in the election campaign against the Liberal Party. In essence, Daniel Andrews signed his life away to the UFU on that particular occasion, and I am sure that Mr Leane, given that he has a hotline to Peter Marshall, will know exactly at what time and on what day that cosy little arrangement occurred. He might well explain it if he is making a contribution on this motion today.

That was the beginning of the end for 60 000 volunteers right across Victoria, that dirty deal done in late November 2014 when Peter Marshall said, 'I'll watch your back if you watch my back'. As we know, during the election campaign UFU members, too gutless to wear proper firefighting uniforms, wore circus-type pants and circus-type tops to look like firefighters while not contravening the EBA requirement that firefighting uniforms not be worn while not on active duty. They wore pretend firefighting suits and stood at pre-poll and election booths, intimidating those who went in to vote, clearly stating their preferred view that anyone who went through that voting booth should vote Liberals last. Why did they do that? Because the UFU wanted power of veto in an EBA which they were negotiating with the CFA, which was not in the interests of the 60 000 CFA volunteers nor in the interests of the Liberal Party, which has always been a very strong supporter of our firefighters across Victoria. So that was the start of the end of volunteerism in Victoria as we know it.

I will just take you back on a little diary of events, just to refresh your memories, and I will get to some of the points of the motion. Back on 6 March 2015 the UFU presented demands for firefighters through an EBA which included a 30 per cent wage increase. I might remind you that we are now about 2366 days into this current proposed EBA negotiation, and the EBA has changed significantly over time. Initially, like previous EBAs, it was more about salary and conditions. At the time, the UFU was seeking a 30 per cent increase to

salaries and a whole host of conditions attached to that award.

Now, I do not think anyone disputes that our firefighters should be well paid and well maintained, with appropriate resources to keep them safe, trained and at the ready for a fire response. But what Peter Marshall did in fact was extend that proposed EBA and the clauses within it to include a significant change in the operations of the CFA as we have known it over many generations. Hidden in a whole range of clauses were matters about the UFU having the power to have operational capacity and management of traditional CFA roles and responsibilities. It was about having UFU members at the fireground, it was about displacing CFA volunteers with career staff, it was about segregation in integrated stations, not integration, and it was about a whole host of requirements that basically were diluting the roles and responsibilities of the CFA volunteer. And he actually thought he could get away with it. He thought he could get away with it with a dirty deal done with Daniel Andrews, as I said, in November 2014, with the arranged UFU support at the election booths during the state election.

As we know, the board at the time and the minister at the time, Jane Garrett, had significant reservations about those clauses within the EBA that gave power of veto, hidden under a consultative committee clause, and that would give the UFU operational management and operational use of resources — traditionally roles of the CFA, amongst plenty of other things. I will not go through all the clauses. If you remember, on 11 December 2015 Minister Garrett was actually bullied by the UFU at a media conference. On 20 April 2016 rumours started to circulate that Daniel Andrews was considering caving in to the UFU after months of calling its demands outrageous and expensive. On 6 June at a rally here in Fitzroy Gardens Malcolm Turnbull pledged support to our CFA volunteers on the basis that he understood that the EBA that the Andrews government was advocating for with the UFU was in fact going to seriously compromise the roles and responsibilities and the operations of the CFA. On 7 June, after CFA volunteers rallied and after resistance from the opposition, Peter Marshall called Matthew Guy a disgrace for using firefighters as a political football. Now if that is not the greatest hypocrisy on earth, I do not know what is, given what his membership was doing during the state campaign in 2014.

On 10 June the then Minister for Emergency Services, Jane Garrett, resigned from her position, and the CFA board was sacked. Now if anyone truly believes Jane Garrett resigned, they must be in nobby land, because

the fact was she was forced to resign or she would have been sacked. At least she had the good grace to know that the agreement was not in the best interests of the CFA volunteers. Certainly those within that community still strongly support the Honourable Jane Garrett for the way she stood by her convictions, continued her support of the CFA volunteers and rebelled against the EBA, knowing it was in conflict with the interests of CFA volunteers and knowing also that she most likely would lose her position in the cabinet — so all credit to her. I know the CFA volunteers are very proud of the way she stood up against not only the UFU but also her own government, of course in the knowledge that she would most likely lose a ministerial position.

Dan Andrews then inexplicably sacked the board. On a number of committees on which I sit we have heard plenty of evidence saying that those board members were merely doing their duty as board members, as required under their fiduciary duty and also as required under the Country Fire Authority Act 1958. They were complying with their roles and responsibilities as board members, oversighted by an act they had to work within. They did no wrong. They refused to sign an EBA which they felt was in conflict with their own responsibilities as board members, but they did so also in the interests of CFA volunteers. To their credit they took the fall — not voluntarily, I might add; they were sacked by James Merlino, the new emergency services minister, and the rest is history as far as those board members are concerned.

On 15 June the UFU's 50 powers of veto over the CFA, hidden in the 414 pages of the EBA, were revealed in the *Herald Sun*. I must say I congratulate James Campbell for his investigative work into this deal. He has brought the underhanded stealth of power of Peter Marshall and his cronies into the public domain with a number of good stories in the *Herald Sun*, which have ensued up to this very day. On 17 June the CFA's then CEO, Lucinda Nolan, actually employed by Daniel Andrews himself, resigned — not voluntarily, I might add. She had to resign. Four hours later, Premier Dan Andrews named Frances Diver as her replacement. She in fact is only an acting CEO at the moment, as I understand it. She has a short-term contract, and her position is yet unknown in relation to the end of the contract.

On 30 June CFA boss Joe Buffone resigned. Again, it was not voluntary — he had to resign — and again I commend him for his work and his strong support of the CFA. All the people who resigned knew while they were doing it that they were losing not only a job and a salary but also the experience of being part of a workforce — the CFA career and volunteer

workforce — that they enjoyed and loved being part of. So it was a significant personal sacrifice for all these people who resigned, from not only a work point of view but also a personal point of view.

On 8 August the government-appointed CFA board members met but failed to sign off on the industrial agreement. Just prior to that date we had, as we know, the 2 July federal election. We in Victoria know the disaster created by the state government in relation to its intervention into the UFU-CFA EBA negotiation, which many believe actually led to the re-election of the Turnbull government, its winning of an additional seat in Victoria and its holding on to seats that were projected to be marginal losses prior to the CFA debacle. Dan Andrews has not only forsaken 60 000 CFA volunteers but potentially cost Bill Shorten the prime ministership, so I wonder how he feels about that.

I was involved, so I certainly know that the Bannockburn, Birregurra and Deans Marsh CFA brigades — brigades that fought fires on Ash Wednesday — and even the Labor-voting fire captain of the Wye River CFA all condemned the Dan Andrews government in relation to its intervention in the EBA. They were absolutely disgusted at the way they were treated — and are still being treated, I might add — by the Andrews government.

On 8 August the government-appointed members met and, strangely enough, failed to sign off on the industrial agreement. On 12 August the CFA, with the four new government-nominated board members, finally backed the UFU EBA for paid firefighters, obviously because government-appointed members had the numbers, which was always going to be the case with that board. But only today we found out that Victorian volunteer firefighters were successful in a bid to halt the vote on the workplace deal by CFA members. It was a small win today for our CFA volunteers, but I suspect we have a row to hoe to make sure that any final EBA is fair and equitable right across the firefighting force.

We also have the commonwealth looking at amending the Fair Work Act 2009 so that the 50 power-of-veto clauses in the current EBA would not affect the capacity of volunteerism in our firefighting service or in fact our emergency services across the board. I understand that as we speak legislation is being drafted to be introduced into the House of Representatives in the first sitting week of 30 August. The Fair Work Act and the legislation that the Turnbull government proposes are still yet to be played out in the federal arena, and here we have a Supreme Court decision

today which has actually blocked a vote of the CFA membership on whether to accept the EBA.

I just wanted to put all that in context, because there is something seriously wrong when you have so many people being sacked and resigning, so many communities across regional Victoria absolutely disgusted with the antics of the Andrews government in relation to this — —

**Mr Leane** — Says you.

**Mr RAMSAY** — Mr Leane, you might want to come out into regional Victoria. Get out of your little leafy latte-sucking suburbs and come out to a CFA brigade, speak to some volunteers and run that by them. I can tell you that you would be lynched, drawn and quartered and shuttled out in a coffin to somewhere in Siberia. You would not be well received. You do not understand that there is actually anger out there in regional Victoria in relation to the way you have behaved in this negotiation process.

The fact is that Daniel Andrews intervened through a direct conversation with Peter Marshall during an EBA negotiation. This has not been done by any Premier before in the history of Victoria, as far as I know. I ask members on the government benches if they could refer to a case where a Premier has actually intervened in a current, live EBA negotiation between two parties. That is unprecedented.

There are a lot of precedents that the Andrews government has set. I do not remember a case of a statutory authority where all the board members were sacked, where the CEO was sacked, where the chief officer was sacked and in fact where the minister whose portfolio covered the authority — in this case, the Minister for Emergency Services — was sacked. We can couch this in terms of resignations but in effect they were sacked. Even now the Supreme Court of Victoria has some concerns in relation to the EBA and the clauses that provide the power of veto to Peter Marshall and the UFU. The commonwealth is also investigating legislation to address the issues around the constitutional responsibilities under the Fair Work Act. Do you think all these people are wrong and the Andrews government and its apparatchiks are right? I can tell you that is not the way it is seen in regional Victoria. We still have a story to tell in relation to how this will pan out.

Just getting back to the motion — and I am surprised I was given such flexibility to make some commentary in relation to the overall way this ran out — it states that this house notes the unlawful proposed firefighters

enterprise bargaining agreement ‘that will limit the capacity of skilled volunteers to discharge their duties’. I have talked about that. The agreement will also discriminate against women, parents and carers. The UFU is still refusing to provide information to support and be part of an investigation into bullying and discriminatory behaviour by the Victorian Equal Opportunity and Human Rights Commission. Peter Marshall has flatly said the UFU will not participate in that investigation into the impact on resourcing and management. Peter Rau, the chief fire officer of the Metropolitan Fire Brigade (MFB), has clearly indicated that they have similar concerns in the MFB EBA, where already the UFU has got power of veto in its current EBA where it cannot allocate resources without a tick off from the UFU.

As if anyone has not heard any more madness than this — and Ms Pulford would understand this — if there is a fire and an MFB call-out is required and the UFU does not like the resource that is to be provided, either through a truck or through a firefighter, it can actually stop the response. The union can then go to the Fair Work Commission to seek a judgement and then come back and say to the MFB chief fire officer, ‘Right, you can either take this truck out with these firefighters or you can’t’. Meanwhile Rome is burning. That is what the MFB is dealing with at the moment in this ludicrous EBA it has currently got, and that is why Peter Rau, to his credit, has come out publicly and said that he is very fearful that the power of veto clauses in this proposed EBA with the CFA are going to be replicated in the MFB and that the MFB will have the same sorts of issues.

It is not just about the CFA. We have already heard that the State Emergency Service (SES) is having similar concerns in relation to its EBA and its ability to be able to respond to an emergency without having UFU control over who might respond to that fire and how.

On destroying decades of CFA volunteerism I refer to remarks made by Andrew Ford today, who said that this whole circus, disaster, crisis, mess created by Dan Andrews in his phone call to Peter Marshall, going back to November 2014, has had a significant impact on volunteerism right across our local rural fire brigades. In fact we are losing volunteers now, as they are so disgusted with the antics of the Andrews government in relation to their payback deal with Peter Marshall and the UFU.

Paragraph 2 of this motion reads:

acknowledges the position of Volunteer Fire Brigades Victoria, who regard the current CFA board’s decision to

support the EBA as ‘a day of infamy that will burn into the memory of every CFA volunteer’;

They were words uttered by Andrew Ford when the board signed off. That vote was 4 to 5. Volunteer Fire Brigade Victoria’s nominees on that board did not vote for the EBA, and it was the government-appointed members that voted for it. They knew they had the numbers, and that was why it was a 5 to 4 vote. So I can assure you that Volunteer Fire Brigade Victoria’s position is as it has always been — that is, it does not support the proposed EBA.

Paragraph 3 of the motion reads:

notes that concerns about the proposed EBA have also been expressed by —

(a) the former minister, Jane Garrett;

I have already mentioned that, and I will again say that opposition members are very appreciative of the way in which Jane Garrett stood her ground in the face of very strong opposition not only within her own caucus but also against the UFU. The sorts of remarks that have allegedly been made by Peter Marshall about burying axes in the heads of those who oppose the EBA and others are just more of the typical rhetoric and bullying that we expect from Peter Marshall and the intimidatory commentary that the UFU spouts out to try and coerce anyone that stands against it or opposes its position to be intimidated in some sort of fashion to accept its position. To Jane Garrett’s credit, she has stood her ground. My hope is that at some point in time the Labor Party will recognise her integrity and character for doing that and give her a post that is well remunerated because of the way in which she behaved by supporting our CFA volunteers.

Members of the former board of the CFA — many of whom were volunteers, many of whom were firefighters and many of whom worked in the CFA — were just sacked at a whim, merely because they were protecting their interests as board members, complying with the CFA act and doing the due diligence that is required of a board member.

As I said, the former CEO of the CFA, Lucinda Nolan, was well respected right across the board, in fact by members of the Andrews government themselves, as they showed by putting her in that position. She had only been there three or four months. She had none of the backgrounding that her predecessor had, yet she was basically asked to resign or be sacked. Again my hope is that Lucinda will be able to right the wrong through being a subpoenaed witness at the inquiry currently being done by the Parliament.

Turning to the former chief officer of the CFA, Joe Buffone, it did not take long for James Merlino to try and besmirch the reputation of Joe Buffone by suggesting that he was looking for more money in his grievance in relation to his being sacked. That was not the case. What he wanted was the same responsibilities as a career-based chief fire officer. That is not wrong; that is fair. I am saying what is untrue is that he was seeking more money. He was seeking the same responsibilities as a career-based firefighter in a management position, yet James Merlino could not wait to run out to the press and besmirch Joe Buffone's reputation, as he has done with all these other hardworking and respected community members that devoted their working lives to the CFA volunteers.

Quite frankly, I think that minister is an absolute disgrace and should stand down. Certainly government members can make a decision about who they should replace Mr Merlino with as Minister for Emergency Services, because he has got no credit in the bank for overlooking the CFA or in fact the volunteers. In my mind the government cannot have a minister that has no respect from the services that he is supposed to be overlooking as the minister.

I have already commented on the Victorian Equal Opportunity and Human Rights Commission. Again, the UFU has refused to participate in the work that the equal opportunity and human rights commission is doing in investigating allegations of bullying, sexual discrimination, age discrimination and a whole range of other problems associated with the career-based firefighters and specifically the United Firefighters Union.

The last line of this motion states:

... calls on the Andrews government to reverse its support for the unlawful EBA.

Again I strongly request that the government reverse its decision for all the reasons that I have outlined. This was purely politically motivated. It was a payback for the UFU being part of the Labor campaign to win the last state election. It was a promise that Dan Andrews made to Peter Marshall in respect of the support of the UFU through the election campaign. We have seen now a whole list of casualties of that payback deal that Dan Andrews still to this day refuses to take any responsibility for.

I have never known an issue that has created so much anger in a community in Victoria — there is not one I can think of. Maybe there was the loss of productivity down at the docklands. I am just trying to remember. Certainly during my lifetime I cannot remember an

issue that has so inflamed communities that are usually quite placid in nature. People are so angry about the way in which Dan Andrews has dealt with this current UFU-CFA EBA.

As I said, it is not over yet. We have got the Supreme Court involved, we have got the Fair Work Commission involved and we have got the commonwealth now involved in drafting legislation to protect volunteerism. I can assure you that as long as there is a breath in my body I will continue to fight, as I am sure will my colleagues on this side of the chamber, to support and represent our CFA volunteers. There are 60 000 of them, plus the other 2 million that are actually connected to those CFA communities across regional Victoria. It is not just the firefighting volunteers that are impacted by the decisions made by this government; regional communities right across Victoria have been impacted. We have to right the wrong. We have a responsibility as legislators in this house and as representatives of our regions to represent those communities. I can assure you that until the Andrews government does reverse the decisions made about the current proposed EBA that is to be voted on, we will continue to fight to protect their interests and the interests of all firefighters.

**Mr LEANE** (Eastern Metropolitan) — I will just respond to Mr Ramsay's rant. I have never seen an issue that is such a beat-up and an attack on workers that has raised so much funding for the Liberal Party before. It is a beat-up that says, 'Oh, please support the CFA. They're under attack'. It is all just a build-up of lies. Even Craig Lapsley said today, 'It is not true that the EBA is going to affect volunteers'. But that was not good enough for any of the Liberals, because maybe they want another tilt at raising some more money via their bogus website. They say, 'Protect the CFA. Please give us your email address if you want to help'. Then Michael Kroger emails you and says, 'How about giving some money to the Liberal Party, especially during a federal election'.

I cannot believe that Mr Ramsay has such little regard for Mr Turnbull. He gets up here and says, 'The reason Mr Turnbull won is because we created this bogus dispute around the CFA. He could not have won on merit'. I agree with you on that, Mr Ramsay. I completely agree. He could not have won on merit, because he has no merit. But I cannot believe you have such little regard for your — —

**Mr Ramsay** — On a point of order, Acting President, I do not mind listening to Mr Leane's rant. What I do object to, though, is his putting words into my mouth. I did not say that. You know I did not say

that. So if you want to have a rant, at least make it relevant to the contribution or a quote.

**Mr Mulino** — Did it hurt your feelings?

**Mr Ramsay** — No, it did not hurt my feelings. I just said, if he is going to say something, tell the truth. Stop the lying.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Mr Ramsay, I see your point, but that is a point of debate and not a point of order, and you have the right of reply. Mr Leane, to continue.

**Mr LEANE** — You will be fine, Simon. You will be okay. Mr Ramsay quotes Andrew Ford from the volunteers association. The volunteers association two enterprise bargaining agreements (EBAs) ago said, 'This EBA is going to destroy volunteerism; it's going to destroy the planet; everything is going to burn'. That was two EBAs ago, and volunteerism actually increased. After the last EBA was ratified the volunteers association said, 'This will destroy volunteerism. The place will burn'. Then before the state election Mr Ford and others in the association put in everyone's letterboxes cards saying, 'Vote against the Labor Party, because they will not support the CFA'. That is a bit strange, because the previous government was the one that cut funding and the previous government was the one that cut personnel. It is this government that has come in and has actually increased the funding and it is this government that has come in and has increased personnel by 350 firefighters.

Andrew Ford goes to a parliamentary committee hearing and he is moronic enough to say that it is a waste of taxpayers money to increase personnel by 350 professional firefighters. All Andrew Ford is is a Liberal stooge. He is a tax-paid Liberal stooge. He goes into the committee and his bottom lip starts quivering and he goes, 'Oh, oh, oh! The lies I have made up have upset me now'. What I tell you, Mr Ford, is: go and hug your money. Go and hug your quarter of a million dollar salary that the taxpayers fund, and while you are at it, after you hug your money, come out and tell the public, be honest: is it true that you are going to seek preselection for Mordialloc and Carrum for the Liberal Party? Is it true that your colleagues here are about to vote you up into that position? Come out and say if it is true or deny it, but stop being a Liberal Party political operative on taxpayers money. It is absolutely outrageous.

Every time, the world is going to burn when a Labor Party is in government! When there is a Labor Party in

government we increase funding for the Country Fire Authority (CFA). When there is a Labor Party in government we actually increase personnel. So come out and tell us, Andrew Ford, come out and declare your hand. Are you a member of the Liberal Party? Have you ever been a member of the Liberal Party? The volunteers association went to the Supreme Court today and was represented by Eddy Gisonda, a barrister. Let us have a look at what Eddy used to do. Where was he? I think Eddy was appointed by Premier Napthine during Premier Napthine's time to advise the Premier on all legal matters involving Premier and Cabinet, and now he is a legal adviser to Andrew Ford. Let us all deny what is going on here. This has been an unbelievable attack by the Liberal Party on men and women who put fires out and save lives for a living. It is an absolutely amazing attack.

Mr Ramsay can get up there and say, 'Oh, the union people say this and the union people say that'. While he was standing there, he said, 'You're going to get lynched, Shaun Leane, if you come to my region'.

**Mr Ramsay** interjected.

**Mr LEANE** — You said, 'You're going to get lynched!'. This is unbelievable. We have gone bust. We have had these debates time and time again. Two debates ago it was seven firefighters on a truck — 'They're insisting on seven firefighters on a truck'. Where has that gone? That has gone now. They are not saying that anymore, because that was not true.

*Honourable members interjecting.*

**Mr LEANE** — You came in here and you talked about vetos that do not exist. Craig Lapsley gets on the radio and says, 'That's not true'. Craig Lapsley got on the radio today and he said, 'People have got to stop attacking firefighters'. And what does Mr Ramsay do today, as a leader in Victoria? He gets up and attacks firefighters. That is not leadership. That is just grubby political opportunism. This whole issue has been grubby political opportunism.

**Mr Ramsay** interjected.

**Mr LEANE** — Good on you for subpoenaing Lucinda Nolan to appear at your committee. I dare to ask you this question, Mr Ramsay: what was the CFA strategy that was advised by Corrs and others? What did Corrs and other legal advisers tell the CFA? What did they say?

**Ms Bath** interjected.

**Mr LEANE** — Where is your mate? He's not there.

*Honourable members interjecting.*

**Mr LEANE** — You're breaking my heart. You're absolutely breaking my heart. But this is a — —

*Honourable members interjecting.*

**Mr LEANE** — You're a joke. You're a joke because you have attacked — —

**Mr Ramsay** interjected.

**Mr LEANE** — Go and speak to your mate Andrew Ford, or speak to your lynch mob. Go and speak to your lynch mob.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! Mr Leane, through the Chair please.

**Mr LEANE** — Mr Ramsay, you need to ask Ms Nolan and other previous board members, 'What was the set strategy?'. What was the strategy they were going to use to deal with this EBA? Why did they agree to clauses in front of the commission and then a month later renege? Why did they do that? What happened there? I am trying to help you here, Mr Ramsay. I am trying to help you in your deliberations.

**Mr Ramsay** interjected.

**Mr LEANE** — And ask them, 'Did you negotiate in good faith? Is that good-faith bargaining when you agree to a clause and then a few months later renege?'. I would have thought no. What was it all about? What was the strategy about? What was going on in the CFA management? And if you cannot find out, Mr Ramsay, I am sure it is going to come out without your help. The people opposite say they are champions of the CFA and champions of volunteers. Well, when they were in government why did they cut so much money to the CFA? Why did they cut so many personnel?

**Mr Dalidakis** — What about Fiskville? What did they do about Fiskville?

**Mr LEANE** — I think I will get there in a second, because I have got another question. But that is a good one and I was not going to ask. Thank you, Mr Dalidakis. Actually I have lost my train of thought now.

But why did you not introduce presumptive rights? Why did you not, when you were in government, introduce presumptive rights? What did you do there? Did you do anything there? Now you are grandstanding — —

*Honourable members interjecting.*

**Mr LEANE** — No, you did not. Now you are grandstanding in front of the CFA, saying, 'We support presumptive rights'. You did not do anything. If you were so worried about volunteers and firefighters, why did you not act on Fiskville? Why are you not vocal on Fiskville now? Tell us. The next speaker can explain why the former government did not do anything on Fiskville, why it cut the funding to the CFA and why it cut personnel.

*Honourable members interjecting.*

**Mr LEANE** — The facts are the facts. Of course you did. You can get up and talk as if things are facts, but the fact is that the proposed EBA has been through a number of experts. I know it does not suit your fundraising, but a number of experts have said it is not going to affect volunteers. This government has not attacked one volunteer firefighter or one professional firefighter — not one. But you have come in and you have begrudged these people getting a pay rise.

**Mr Ramsay** interjected.

**Mr Mulino** — On a point of order, Acting President, Mr Ramsay spoke for 40 minutes, and it felt like much, much longer, and he had very little interruption. I am trying to listen to Mr Leane explain industrial strategies — very nefarious industrial strategies — that are very complicated, and I am very interested to hear the details of this, because I think it needs to be on the record. So I would ask that Mr Ramsay please desist from his interruptions.

**Ms Bath** — On the point of order, Acting President, when Mr Ramsay was making his contribution, he did not point his finger across the chamber and yell across the chamber at people on the other side. He directed his conversations to you.

**Ms Lovell** — On the point of order, Acting President, the member on his feet is actually being very provocative. He is inviting debate across the chamber from Mr Ramsay by, as Ms Bath said, pointing his finger and directing his comments directly to Mr Ramsay and not through the Chair.

**Mr Dalidakis** — On the point of order, Acting President, can I just point out that, indeed, my colleague Mr Mulino is quite accurate. I am sitting not more than a metre away from Mr Leane, and I am struggling to hear him because of the vociferous interjections from Mr Ramsay, when all Mr Leane is trying to do is point out that those opposite did nothing in relation to Fiskville.

**The ACTING PRESIDENT (Mr Elasmr)** — Order! I have heard enough from both sides. I will uphold the point of order, and I will indicate to Mr Ramsay that his interjections are not helping. The language of Mr Leane that you described, Ms Bath, is because of the interjections, and you have the right of reply again. So please, Mr Leane, to continue through the Chair.

**Mr LEANE** — I commit not to point at anyone. I might have got a bit rattled at the statement that I would be lynched if I went outside the metropolitan area. You know, I can be quite sensitive, and I apologise if I have hurt anyone's feelings.

So let us get back to the fundraising. A website has been produced that says we should support the CFA volunteers and that it is all terrible. The EBA will say that there is veto, there have to be seven firefighters on a truck, the poor volunteers will not be able to operate and it is all going to be terrible. So you go to this website and it asks you for your email address. You give your email address, and after a while Michael Kroger, the president of the Victorian Liberal Party, sends you an email that says, 'To really help, donate to the Liberal Party'. It has got, like, prescribed amounts: there is \$10, there is \$20, there is even more. Actually there is a link to a site where you can give heaps of money to the Liberal Party. So I invite the next speaker to tell us: has that money gone to the CFA? Where is that money? Has that money been given to the CFA?

**Ms Shing** — It hasn't been given to the VFBV.

**Mr LEANE** — It has not been given to the Volunteer Fire Brigades Victoria (VFBV).

**Ms Shing** — That is what they said in evidence.

**Mr LEANE** — In evidence they have said they have not got it. They have said a lot of things. The executive of the VFBV have said a lot of things. They have said a lot of things a lot of times, and it is all the same — 'If professional firefighters get a pay rise, then there will be no volunteers' — and it is just outrageous. I cannot understand any group begrudging a group of people that, as I have said a number of times, put fires out and save lives for a living, a pay rise. I would not have thought that is a big deal. I know people in this — —

**Mr Ramsay** interjected.

**Mr LEANE** — It is funny you should say that, that no-one has, because — —

*Honourable members interjecting.*

**Mr LEANE** — Well, it is the Liberal Party that is trying to inflate what the cost of the EBA is going to be. That is part of the strategy to try to stomp it down, slow it down. I got an email, the same as every MP, months ago from Andrew Ford from the association, and he went on a rant about, 'Oh, we're going to have to pay this'. That is what he said. He said, 'Where's the money going to come from?', like typical Liberal lines when they are not in government, where it is all terrible to give workers a pay rise. I mean, that is there in black and white, so you cannot deny that.

**Mr Mulino** — That is where he is getting his lines from.

**Mr LEANE** — Yes, that is where he is getting his lines from. He will be putting his hand up for preselection in coming months, I am sure. So I think that if he is going to do that, like I said, he should be honest with people that he is using this as a vehicle to get that sort of gig in here or in the lower house, in Carrum or Mordialloc, that way; maybe he is out that way. That is yet to be seen.

I think that the Liberal Party have a lot to answer for around the firefighters' respect, which they have whittled away, and the firefighters' sense of wellbeing, which they have whittled away. I was speaking to some career firefighters a couple of weekends ago. I was speaking to four of them that told me they got abused when they attended a call-out in Southland. They got abused.

**Mr Mulino** — That is crazy.

**Mr LEANE** — They got abused because these people in the Liberal Party and a couple of people at the volunteer association have demonised them — have completely demonised career firefighters.

**Mr Ramsay** interjected.

**Mr LEANE** — Of course you have, and can they recover from that? You have had a few buddies in the media that have certain political ends as well. They would like to run it out. The fact is that there can be injunctions, there can be whatever, but eventually this EBA will be settled. The world will not end. And after that, the presumptive rights will come into play. The extra 350 career firefighters will be implemented, they will be trained and they will be out in the community, despite Andrew Ford saying they are a waste of money. Well, I will tell you what a waste of money is: his wage is a complete waste of money, an unbelievable waste of taxpayers money. I just cannot get over it. A quarter of a million bucks for someone who is just a full-time Liberal political operative. I just cannot get my head

around that. It is just amazing that someone is in that position. I was going to say, 'Good luck to him', but no, not good luck to him; it is just absolutely outrageous. It is amazing, and it has been going on for years. It is just unbelievable.

So keep bringing in these motions, Mr Ramsay. Keep trying to convince yourself that what you are saying is true. Keep trying that, but we know that all the veto and the seven on the trucks and everything that you claimed is not true. Good luck demonising firefighters any further. I think they have had enough. I just do not think it has any impact anymore. I think they are just sick of it. They just do not care. It is just to the point where it has got no impact. Keep jumping up and down saying you are the champions of volunteer firefighters, when it was your government — and you were here, Mr Ramsay, when it was your government — that cut the funding to the CFA, when it was your government that cut the personnel of the CFA.

**Mr Ramsay** interjected.

**Mr LEANE** — It was your government that did not introduce presumptive rights, unlike this government that will. Then after the EBA, a few months later the volunteers will go, 'Actually, nothing has changed. It has actually got better', and you will be found out. You will be found out — that nothing has changed. Things have got better. Then you will answer to that.

**Mr Ramsay** interjected.

**Mr LEANE** — You have to be prepared to answer that.

*Honourable members interjecting.*

**Mr LEANE** — Well, 'Craig Lapsley is wrong'. Who will be the next opposition person to get up and say 'Craig Lapsley was wrong today. Craig Lapsley doesn't know what he is talking about'? He said that there will be no effect on volunteers with the EBA; the EBA has no effect on volunteers. He also said, 'It's about time people stopped attacking firefighters'.

**Mr Ramsay** interjected.

**Mr LEANE** — Well, maybe some leadership could be shown in this chamber. I will not hold my breath for that leadership from the people opposite. But maybe they could look at themselves and show some leadership and stop fundraising, stop lying and stop saying the world is going to end and actually support all firefighters. That is what we do in this chamber. We support all firefighters, whether they are career or volunteer. What I am really interested in is, if you want

to subpoena people that were in the previous regime of the CFA, ask them that question: what was the advice from Corrs? What was the advice from Corrs Chambers Westgarth about? What was your strategy? What was your industrial relations strategy in dealing with this EBA?'. Ask them and see — —

**Mr Ramsay** interjected.

**Mr LEANE** — Well, you can ask them any question, but ask them that one as well: what was their strategy? While you are subpoenaing things, maybe you should subpoena the legal advice that they had at the time. The committee needs to completely get their head around everything that was happening there and make sure, Mr Ramsay, that people did not deceive you, people did not say, 'It's all about defending the volunteers', when it might not have been; it might have been about something else. So I would urge you to, if you are going to go to a committee and you are going to get evidence, get all the evidence, then make a judgement and then put it in a report. Actually, that would be good: put it in your report. Put it in the appendix in your report. Ask them about any legal advice that they were given and any industrial relations strategy they were given by Corrs and other people about what they should be doing in negotiating this EBA and what should be their strategy. I will tell you what: it will be fantastic. I will be looking forward to the report. It will be wonderful.

As I said to Mr Ramsay, keep these motions coming. If you want to spend all your political capital on one issue, which the opposition are doing, and if this is your only hope — just lying about what professional firefighters actually want in their agreement, and they do not want control of the — —

**Mr O'Donohue** — On a point of order, Acting President, Mr Leane accused Mr Ramsay of lying, and if he is going to do that, he needs to do it by substantive motion.

**The ACTING PRESIDENT (Mr Elasmarr)** — Mr Ramsay is in the chamber. He could have defended himself. And I do not think that was Mr Leane's intent.

**Mr O'Donohue** — My recollection of the words used by Mr Leane were words to the effect, 'If Mr Ramsay is going to use all his political capital lying about the CFA' et cetera.

**The ACTING PRESIDENT (Mr Elasmarr)** — Order! Again, I heard Mr O'Donohue's point of order, but I will stick by my previous ruling. Mr Ramsay is in the chamber. If he was offended, he could have defended himself. Mr Leane, to continue.

**Mr LEANE** — For Mr O’Donohue’s sake, if he did feel that way, I will withdraw, if he thought that I meant Mr Ramsay as in an individual. I was talking about the political party which Mr O’Donohue belongs to. If the Liberal Party want to put all their political capital on one issue — an issue that is based on lies, an issue that is based on attacking a group of workers that most people actually appreciate when they turn up and put their house fire out or save their lives, I would have thought — then I think they are not looking that good. I think any political analyst would say they are not looking too terrific. But I will just leave it on that note.

**Ms HARTLAND** (Western Metropolitan) — I will be quite brief, as we have actually debated a very similar motion previously. I am not sure where Mr Ramsay gets the word ‘unlawful’ from. This is an enterprise bargaining agreement (EBA) that has been signed off by the board and will go to the members of the United Firefighters Union (UFU). I am not sure how that is unlawful.

I have had the privilege over the years to meet many career and volunteer firefighters, and I know that I could never do the work that they do. It is quite amazing what they have to do, and I think the way this issue has become a political football over the last 12 months is just terrible. These are people who serve the community, and they should not be used in the way that they have been. The point is too that this EBA is between the Country Fire Authority (CFA) and the UFU, not Volunteer Fire Brigades Victoria, so I do not quite understand. I understand that they have an injunction now, but as they are not the employer I do not know what they see as their role in this.

Mr Ramsay said that the Liberal and National parties are very supportive of volunteers. Then why did you not bring on presumptive legislation? Why did you not vote for the bill that I had brought forward? Why did you not introduce your own bill? If you remember clearly, you declared four days before the election that you would do it. You had four years to do it, and you did not bother. It was clear that there was no support from the National and Liberal parties for presumptive legislation because there was no care for volunteer or career firefighters.

If we are talking about the CFA board, let us also talk about Fiskville and let us talk about Brian Potter, who had to be a whistleblower because the board was clearly not doing its job in protecting firefighters. Brian Potter used the last years of his life when he was incredibly ill because of his work at Fiskville working to make sure that not only was his family protected but other firefighters were also protected. I do not see the CFA

board as having taken a very responsible position at all about Fiskville. They allowed it to continue. It should also be noted that Brian’s family have not been compensated, when it is quite clear that his illnesses were generated by his work at Fiskville.

I think we should all listen to what Craig Lapsley said this morning about this dispute. He said that it is time for it to end. It is time for the political football that firefighters are being used as to end. We will be coming into the fire season quite soon, so let us have some respect for volunteers and for career firefighters and stop using them the way the Liberal and National parties have done in these last months.

These are people, both career and volunteer, who go into fires to protect us. Do you really want this to continue into the fire season? Do you really want to keep bringing down the morale of people who actually protect this state? I do not think that is the way to treat career or volunteer firefighters, and I would really urge Mr Ramsay and others to stop using firefighters as a political football.

**Ms LOVELL** (Northern Victoria) — I congratulate Mr Ramsay on bringing this very important motion to the house. This is an issue that is having a great effect on country Victoria, and I would suggest that Mr Leane and perhaps Ms Hartland as well actually get out into country Victoria and hear what the volunteers and the community really think about this issue.

I would also like to dispute some of the things that Mr Leane said in his rant that supported his mate Peter Marshall. Mr Leane said that Craig Lapsley had said that this dispute would not have an any effect on the volunteers. That is not exactly what Craig said. Craig said he would do everything in his power to ensure the role of volunteers was not diminished. He also said, ‘We’ve got a war out there ... that’s got to stop’, and everyone agrees with that. He conceded that Peter Marshall has not given any ground. He also admitted that the enterprise bargaining agreement (EBA) contained clauses that would allow groups that did not want to work together not to work together. So if the United Firefighters Union (UFU) does not want to work with the volunteers, the UFU will not. Craig Lapsley did say that a separate document, a statement of intent, made it clear that it would not have an effect on the volunteers, but that is not the EBA, and once the EBA is signed in a legal document that is what Peter Marshall and his mates will wave around.

Mr Leane needs to understand that the previous Country Fire Authority (CFA) board, the CEO and the chief fire officer were looking after the future of the

CFA and the volunteers. That is why they took such a strong stand against this EBA, and we all applaud them. We even applaud the Labor minister who was sacked from her position for having a strong stand.

Mr Leane mentioned presumptive legislation, as did Ms Hartland. Our government, the Liberal government, did make moves on presumptive legislation. We had a review into the need for it. When the results of that review came back, we committed to introduce presumptive legislation that would be equal for career and volunteer firefighters. Two years into this government Labor has not introduced any legislation, and what we are hearing is that they want to introduce legislation that discriminates against the volunteers — once again favouring the union, favouring career firefighters over the volunteers. That has been strongly talked about in regional Victoria. Mr Leane, you need to get out of Melbourne and listen to what is going on in the real world.

The history of this dispute is being talked about a lot. Of course the former minister, Jane Garrett, did stand strong against this, but Daniel Andrews was determined to push ahead with a payback to his union mates. The casualties amongst that have been the minister; the CEO of the CFA, a highly respected female CEO; the chief fire officer; and also the board of the CFA. A board is appointed to be independent. This makes a mockery of independent authorities because what Daniel Andrews is saying is, 'If these independent boards of these authorities do not agree with what Labor wants to do, we'll just sack them and put in our hand-picked board'. But of course the biggest casualties in all of this have been the volunteers in the CFA. Why is Daniel Andrews doing this? You could ask, 'Why would anyone attack the greatest volunteer organisation in this country?'. There is only one answer to that. He is doing this as payback to his union mates, to Shaun Leane's mate Peter Marshall, for the assistance that the UFU gave Labor at the last state election.

There have been two large rallies in Melbourne. There have been several rallies throughout country Victoria. The anger in country Victoria about this issue is palpable. Did the government listen to this? No, they do not listen to country Victoria. They do not hold many seats out there, and they do not care about country Victoria. Their own federal MPs have been openly expressing their anger at Daniel Andrews. They believe that Daniel Andrews did cost them government. We only have to look at the results in other states versus those in Victoria to see that Daniel Andrews did cost Labor votes in this state. Whether it would have got them into government or not, who will ever know, but it cost them dearly in Victoria.

Daniel Andrews and Labor can try and spin it any way they like, but the stench of this saga just will not go away. Premier Andrews has sacked a minister, sacked a board, sacked a CEO, sacked a chief fire officer, and replaced them with his hand-picked board and new officers. But even his hand-picked board struggled to support this EBA. They knocked it back early last week, before finally passing it on Friday under extreme pressure from Daniel Andrews and the minister, James Merlino. I note it still did not pass unanimously when it was passed on Friday.

Friday was a very sad day for the CFA volunteers. A string of resignations of very good volunteers followed that decision of Daniel Andrews's hand-picked board to sign that EBA. The EBA is disrespectful to volunteers. It is creating divisions in the CFA by driving a wedge between volunteers and career firefighters. I have an integrated station in Shepparton. I see the wedge that is being driven between them. The volunteers had a small win today. The court injunction will prevent the UFU from voting on the EBA, and the legality of the EBA will now be tested in court.

*Honourable members interjecting.*

**Mrs Peulich** — On a point of order, President, it is a very important issue. I noted earlier today Mr Barber taking a point of order and referring to those who were interjecting as 'barking'. Barking is one thing, but we are now having to be subjected to a cacophony of interjections from all sides, and I am actually finding it hard to hear what Ms Lovell has to say on an issue very important to her electorate and very important to Victorians.

**The ACTING PRESIDENT (Mr Finn)** — Order! I think the house will find that interjections are grossly disorderly, and I would never partake of them myself. I uphold the point of order.

**Ms LOVELL** — So the legality of the EBA will now be tested in court. This is having an enormous impact on regional communities. Even residents who are not involved in a fire brigade are furious. The Liberals value both our volunteer firefighters and our career firefighters. We want to see a harmonious workforce and the CFA going forward so that we have protection for our regional communities and country communities right throughout this fire season and future fire seasons. Labor only value the unions.

**Business interrupted pursuant to standing orders.**

## STATEMENTS ON REPORTS AND PAPERS

### Department of Environment, Land, Water and Planning: report 2014–15

**Mrs PEULICH** (South Eastern Metropolitan) — I rise to speak on the annual report of the Department of Environment, Land, Water and Planning (DELWP), and specifically in relation to those sections referring to the operations of local government. I note on page 66 of the report some of the objectives that have been laid out by the government in relation to local government reform. It talks about the government's agenda:

Within the context of the local government reform agenda, DELWP is delivering three reform pillars of: integrity and good governance; capacity and performance; and delivering for communities.

No-one is cackling yet. They ought to be doubling up in laughter considering the litany of failures that actually occurred under this portfolio. It goes on to say:

These reform pillars will drive ongoing improvements in performance, sustainability, integrity, accountability and value for money within the local government sector.

Our integrity and good governance pillar involves clarifying the roles, responsibilities and accountabilities of local government and seeking better relationships with them. We are also reviewing the Local Government Act 1989 and pursuing improvements to the councillor conduct provisions and electoral procedures.

So let me deal with the last matter first, the electoral reform. It is a big fail. The Minister for Local Government has failed to make uniform the method of voting that is all either by attendance or by mail, failing to basically get rid of or address the gerrymanders that occur in areas where there is strong political control, such as, for example, the City of Greater Dandenong, which continues to vote for attendance voting despite very low levels of turnout, and failing to indeed get rid of the how-to-vote cards out of the postal packs of those 69 councils that vote by mail. That is a rort, where you have fields of 30 candidates, many of them being very deceptive about who they are and what they represent and feeding preferences into a particular candidate, with poor punters — ratepayers — being duped out of their vote. So it is a fail in the area of electoral reform.

On councillor conduct provisions, we are now going to see an amendment rushed into the lower house — and it needs to happen — and hopefully we will meet the deadline of 1 September when, as a result of a major stuff-up by the government on the implementation of the so-called improved governance amendments, we would see over 120 councillors disqualified, and not just disqualified but disqualified from ever running for

office again, clearly in breach of the constitution and all the rights that accrue to people in democratic society. In addition to that, they would be disqualified retrospectively for failing to sign or undertake a bureaucratic obligation of which they personally were not informed. The minister and the office of local government failed to directly communicate the expectation to each and every councillor, who carries the penalty for not having met it and signed a document within a 30-day time frame and witnessed by a chief executive officer.

**Mr Dalidakis** interjected.

**Mrs PEULICH** — It is a matter of principle. Seven councils had not even undertaken the review, and according to the provisions in the legislation it would not be logistically possible to undertake all that councils are required to do in the special council meeting to authorise a review of the code of conduct to indeed consider the code of conduct, especially as it relates to other instruments and other legislation, to approve the amendments — never does it actually require the new code of conduct to be approved — and then to accept it. It could not be done in a single meeting if they are actually exercising their due diligence, and indeed as a result of the government's stuff-up it would be good, well-meaning councillors who would actually be impugned and whose reputations would be in tatters as a result of this reform. So the whole notion of improved governance is just laughable.

I would like to commend the government for seeing its error, but what it is trying to do is say, 'Well, councils have stuffed this up. We are helping them'. No, the government has stuffed it up. This is throwing the local government sector into meltdown. Many have spent thousands of dollars getting legal advice to protect their good names. Let there be no doubt about it that this is a mess of the government's making.

Lastly, the review of the Local Government Act: I actually went along to one of these sessions, and can I say they need their L plates on? It was a debacle. It will generate no meaningful consideration of some of the major flaws of the Local Government Act, including where there are breaches of the act which carry no consequences, and indeed there are sections, especially those pertaining to the code of conduct, that do need to be reviewed. This process the government has put in place will fail that. Three 'F's for government in the area of local government reform: F, F and F!

**The ACTING PRESIDENT (Mr Finn)** — Order! Just as a matter of interest, which report was the member speaking to?

**Mrs PEULICH** — The DELWP annual report 2015, page 66. Would you like to borrow it?

**The ACTING PRESIDENT (Mr Finn)** — Order! No, that is fine. Thank you very much indeed.

### **Country Fire Authority: report 2014–15**

**Ms SHING** (Eastern Victoria) — I rise today to speak on the Country Fire Authority (CFA) annual report for 2014–15 and in particular to follow on from a number of contributions that have been made earlier in this place in relation to the way in which the CFA has become a political football.

The CFA is an organisation which has been the subject of many recommendations — from the bushfires royal commission through to the Jones report through to the fire services review — which have called for improvements in the organisational interplay between volunteers and paid firefighters and between management and the people who work on the ground. These recommendations have indicated that there is a need for more paid firefighters to be allocated to our communities, which has indicated that there has been a politically motivated, ideologically driven chasm that has arisen between volunteers and paid staff in the CFA's catchment and coverage areas.

As a consequence of this, the parties to the current negotiation of the proposed enterprise agreement have worked in good faith, notwithstanding the fact that there were repeated efforts by the former government to stymie the making of an agreement and numerous attempts to make sure — —

**Ms Lovell** — On a point of order, Acting President, I just noted that when Ms Shing started her contribution she actually had a printed, proper copy of the report that she is speaking to. As we all know in this house it has been impossible for members to actually get copies those of reports. We have to print our own reports, so I just ask: is there one rule for the government and one rule for the opposition that we are required to print out our own reports?

**Mr Dalidakis** — On the point of order, Acting President, that is not a point of order. It just displays the member's incompetence at being able to procure a report.

**The ACTING PRESIDENT (Mr Finn)** — Order! The minister should resume his seat.

**Ms SHING** — On the point of order, Acting President, if Ms Lovell is insisting upon a division between the government and everybody else in relation

to the use of hard copy reports, I would be more than happy not to rely upon this document in making my contribution with the time that I have available to me. Look: it appears to have dropped to the bench in front of me, and on that basis — —

**The ACTING PRESIDENT (Mr Finn)** — Order! There is no point of order. I suggest to Ms Lovell that if she has genuine concerns about this, she might like to raise this with the President because I think he is probably in the best position to make some sort of decision or undertake the appropriate investigation.

**Ms Lovell** — Acting President, I probably should have asked for a point of clarification, not a point of order, and it is not about whether you need to rely on — —

**The ACTING PRESIDENT (Mr Finn)** — Order! Thank you, Ms Lovell. There is no point of order, there is no point of clarification, there is no point of anything.

**Ms SHING** — It shows that indeed we are scraping the bottom of the barrel when we are referring to the form of document relied upon by a member in making a contribution about a report which the opposition has persisted in using as a political football in the course not just of today's motion and debate but also in previous sitting weeks during which the opposition has called into question the negotiations which have taken place and the repeated efforts by the CFA and by the United Firefighters Union on behalf of its members as the representative of its members before the independent Fair Work Commission.

To that end, I note that page 8 of the report refers to Project 2016's main objective on meeting service delivery needs through increasing the number of permanent career firefighter and officer positions in the CFA. That has been a reasonable thing to conclude as appropriate and necessary to meet population growth and to meet an earlier summer season which goes for longer and ends later and which presents significant emergency risks and concern to our community. This does not appear to have ruffled the feathers of any of those opposite, who would much prefer to make cheap political grist for a cheap political headline on the way in which volunteers and paid firefighters work side by side.

Let us be particularly clear about what this has done. Those opposite will talk about the way in which this has divided communities. How convenient, given that it has been the 'Hands off the CFA' campaign and it has been the Liberal Party which has been responsible for doing this. Let us understand the context in which the

ideological divide promulgated by those opposite, promulgated by those within the Liberal Party headquarters, has in fact said that despite the fact that it values paid career firefighters — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Finn)** — Order! If the house would come to order, we might be able to hear Ms Shing. She is going hell for leather but I still cannot hear her, so I would ask members to hold themselves together.

**Ms SHING** — What I would seek to maintain and to clarify here is that it is very, very convenient for those opposite to say that this has had a woeful effect on volunteers when in fact they should hang their heads in shame, having been the source of this distress.

**Mr Ramsay** — On a point of order, Acting President, I just wonder if I can seek your guidance in relation to Ms Shing's contribution: what is the relevance to the actual report in question that she has just thrown down the steps of the chamber? I have not read the report, but I suspect that her contribution actually has nothing to do with the report.

**The ACTING PRESIDENT (Mr Finn)** — Order! Which report is Ms Shing referring to?

**Ms SHING** — The Country Fire Authority annual report 2014–15.

**The ACTING PRESIDENT (Mr Finn)** — Order! I would have thought that what Ms Shing is talking about is probably directly related to the CFA.

**Mr Ramsay** — But not the annual report.

**Ms SHING** — I have referred to Project 2016 in the course of my contribution. Page 8 is the reference.

**The ACTING PRESIDENT (Mr Finn)** — Order! There is no point of order.

**Ms SHING** — How cute that we now see a second interjection seeking to actually interrupt what is in fact a very important point: that those opposite on the one hand refuse to acknowledge that people deserve fair terms and conditions where they are represented by a union and on the other hand promote the intense distress and upset that has been caused by the Liberal Party's fundraising effort — its vehicle to raise funds and divide communities. It has in fact been the source of that disruption.

This is an issue which has been going on and has been fed by those opposite for an ideological purpose since

the 1880s; let us be perfectly clear about this. In 2006 the same issues were raised. In 2010 the same issues were raised. In 2016 we see the same issues raised. Every single time it is about the sky falling in and every single time you demonise people who are represented and able to be represented by a union. Shame on you opposite. Shame on you for demonising — —

**The ACTING PRESIDENT (Mr Finn)** — Order! Ms Shing will direct her comments through the Chair.

*Honourable members interjecting.*

**Ms SHING** — Shame on those opposite for seeking to politicise an enterprise negotiation which we have in fact advanced significantly well in good faith.

**The ACTING PRESIDENT (Mr Finn)** — Order! Ms Shing's time has expired. Mr Ondarchie wishes to raise a point of order. I do not know if the point of order is still relevant.

**Mr Ondarchie** — It may well be. On a point of order, Acting President, by way of interjection Minister Dalidakis said to you, 'Try to be bipartisan'. I suggest he was reflecting on the Chair, and I seek his withdrawal.

**The ACTING PRESIDENT (Mr Finn)** — Order! I did not hear the comment. I would hope that the minister knows better than that. If he does not, then I am hopeful that he might learn from this experience.

### **Country Fire Authority: report 2014–15**

**Mr MORRIS** (Western Victoria) — I rise to make some comments about the Country Fire Authority (CFA) annual report 2014–15. I rise to acknowledge the great work that the CFA does and the 60 000 volunteers who ensure that across the width and breadth of Victoria we are kept safe.

**Ms Shing** interjected.

**Mr MORRIS** — It is a very serious matter, Ms Shing, that we have 60 000 volunteers who do keep our communities safe. I remember very distinctly that down in Wye River — Mr Ramsay knows this well — it was the volunteers who kept the community safe during those fire events over the Christmas period. Rather than eating their Christmas lunch or Christmas dinner, they were indeed out fighting fires.

We on this side of the house certainly respect the great work of all CFA volunteers. It was therefore with absolute dismay that I heard on Friday that Daniel Andrews's hand-picked board had chosen to sign off on

the CFA enterprise bargaining agreement. Despite the protests of the four Volunteer Fire Brigades Victoria (VFBV) members, who do actually represent the volunteers across the width and breadth of Victoria, the Andrews-appointed board members had chosen to press ahead. It was of absolutely no surprise to anybody that this has happened, because that was the reason these people were installed in the first place.

What was a great shock was Labor members coming from the ranks to obviously point out the way Peter Marshall had been acting with regard to the negotiations as they progressed. Mr Leane has been talking in here and defending his good friend Mr Marshall. However, I certainly give credit to the member for Wendouree in the Legislative Assembly, Sharon Knight, who came out and said that she had seen the text messages that the then minister, Ms Garrett, had been sent from Mr Marshall and that, although Ms Knight did not remember the exact wording, they left a distinct impression. She was quoted in the *Herald Sun* as saying:

I thought they crossed the line. I was concerned when I saw them. I remember my reaction to them and I told her at the time.

What we saw in question time today in the other house was that Daniel Andrews has refused to condemn Mr Marshall's actions. The threats to place an axe in the back of one of his minister's heads is something that he has refused to say was inappropriate. We have a Premier who says one thing — he is all about equality, he is all about equal opportunity, he is all about women's rights — and when all of a sudden his minister is being threatened to have an axe placed in the back of her head he says absolutely nothing whatsoever.

**Ms Crozier** — What does Peter Marshall have over the Premier?

**Mr MORRIS** — That is a very good question, Ms Crozier. What does Peter Marshall have over the Premier? There has certainly been much speculation on this, and I think we may find out.

**Mrs Peulich** interjected.

**Mr MORRIS** — Exactly right. All those members opposite who are all about women's rights, equality, feminism and the like are silent. They are absolutely silent — except for Ms Knight. Everybody else has lost their tongue. They have absolutely nothing to say on the matter. We also heard earlier Mr Leane attacking Andrew Ford from the VFBV, a man who is representing the 60 000 volunteers who put their lives

on the line each and every fire season to ensure Victorians are protected. Mr Leane has the gall to stand up in this place and protect the thug Peter Marshall and attack our volunteers. Why is it that the Labor Party hate volunteers? Why does the Labor Party hate volunteers?

**Mrs Peulich** — Because they can't unionise them.

**Mr MORRIS** — That is right, because they are not unionists. If they are not getting paid, if they are not on the payroll — —

*Honourable members interjecting.*

**Mr MORRIS** — They have got no idea. If they are not standing there handing out how-to-vote cards for those opposite, if they are not winning elections for those opposite, then they have decided they are not worthwhile and they are going to sell them out. What we have seen are resignations, and we have seen people pushed — we have seen Lucinda Nolan and we have Joe Buffone. The way Joe Buffone was treated by Minister Merlino was an absolute disgrace. He is a man who has given his heart and soul to the CFA, and for him to then be kicked around as a political football by Minister Merlino saying that this was all about money — that is the Labor way. That is all they care about; all they care about is money.

The CFA volunteers actually care about their communities rather than about doing whatever they can do to scramble for power. Just ask Mr Luke O'Sullivan. Where is he? He is not here, because on that side of the house all they care about — —

**The ACTING PRESIDENT (Mr Finn)** — Order! The member's time has expired.

### **Auditor-General: *Follow up of Residential Care Services for Children***

**Mr EIDEH** (Western Metropolitan) — I think we need a break, so I will change the subject and speak on a different report! I rise to speak briefly on the Victorian Auditor-General's report *Follow up of Residential Care Services for Children*. I would like to acknowledge the Minister for Families and Children for her ongoing and very committed work in reforming Victoria's residential care services for children. It is something that this government committed to before the last election, and we are proud of the changes which have been achieved.

The Children's Court places children in out-of-home care when they are assessed to be at significant risk of harm, abuse or neglect from their own families and

cannot remain in the home. Residential care is the least preferred option; it is one of the three main out-of-home care options available.

In March 2014 the Victorian Auditor-General completed an audit, looking at the overall effectiveness of the then Department of Human Services residential care services for children and young people. The report I speak on today is a follow-up audit. It outlines the progress made in addressing the recommendations which were made in 2014. I was pleased to have read that the department, now the Department of Health and Human Services, has initiated adequate action to address all the recommendations outlined in the 2014 report. This has resulted, in most cases, in addressing systemic issues that require actions over a long time to overcome. The actions are part of a broader reform program of the child protection system that has been a departmental focus under the Andrews Labor government.

In 2015 the government and the minister announced the development of *Roadmap for Reform — strong families, safe children*. One of the reform directions is to reorient the out-of-home care system to reduce the use of residential care, increasing funding and support to home-based care, which is a very important and positive step. The report indicates that in 2014 the audit found that the residential care system had been operating over capacity and was unable to meet the needs of children. To deal with this issue the department needed to purchase additional contingency places known as ‘unfunded contingency placements’ at a cost of \$24 million in 2012–13.

Overall, the report outlines that the department has acted to address systemic issues in its residential care model through developing new models of care to address the needs of the children and young people with the most complex needs in residential care and to gradually move them out of residential care. I add that the report notes that our model is a distinct change from the attitude and approach of the previous government. The previous government’s approach was to increase the capacity of the residential care system and the department has focused on managing demand for out-of-home care by increasing the capacity of the home-based care system.

Finally, issues were previously raised in relation to staff in the 2014 audit. The previous models were not providing sufficient quality and stability of care for children in residential care. The department has now acted to address both staffing capacity and capability through a pilot program that provides an additional overnight staff member, developing a capability

framework for residential care staff and planning to introduce a minimum qualification for residential care workers. I am certain that the department’s ongoing commitment to reform will make a positive and important change. I commend the report to the house.

### **Department of Treasury and Finance: budget papers 2016–17**

**Mr DAVIS** (Southern Metropolitan) — Tonight I want to talk about the state budget 2016–17, particularly the section relating to local government. We have seen an absolute shambles statewide as the state government sought to implement changes put through this Parliament and the code of conduct involved. The implementation of that code for councillors around the state has been an absolute shambles. I have read the communications that have been put out by Local Government Victoria. They are confusing and they are easy to misunderstand, and obviously 13 councils and up to a total of 107 councillors across the state would be rubbed out through administrative oversights and errors overwhelmingly caused by a failed Minister for Local Government and a shambolic Andrews Labor government.

The government has obviously needed to bring in a fast fix, and a bill has been brought in which this — —

*Honourable members interjecting.*

**The ACTING PRESIDENT (Mr Finn)** — Order! We can live without the debate that is going on between Minister Dalidakis and Mrs Peulich. I ask both members to either restrain themselves or leave the chamber if they wish to continue their discussion.

**Mr DAVIS** — So it is very clear that this shambolic process has seen more than 100 councillors and 13 councils around the state caught by the minister and Local Government Victoria’s hopeless management, hopeless implementation and hopeless advice. They are not up to it and it is time someone got in and cleaned that area out. It is time that somebody got that minister working and got her off her tail. She has caused misery and trouble for local government around the state with a botched implementation of rate capping and a botched implementation of the code, putting projects and jobs at risk.

It is easy to read the report by the Local Government Investigations and Compliance Inspectorate. I have got to say that you have got an inspectorate that appears to be way beyond its purview as well. The inspectorate lists the councils that are compliant in a table at page 5

of its report. At page 6 you can read that for a particular shire, such as Cardinia, all councillors signed a commitment to the principles, not a declaration to abide by the code. That is just one example of 13. Around the state councillors sought to comply, but the government made it so difficult with the botched advice that had been put out. I think the Premier has to look very closely at this local government minister. What a hopeless individual she is. She has no idea what is going on in the sector. Wherever she goes she is not welcome in the sector, because people know she hates councils and is not prepared to work constructively with them.

Of course the minor parties and the opposition will support a fix for this government's botched code, because we do not want to leave communities impacted negatively by the botched implementation of the code. I pay tribute to the work of the local government organisations, the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association. Both have been working effectively behind the scenes to make the government see some sense, and it has taken a lot of headbanging to make it see some sense. I direct people to both of the media releases of the MAV yesterday, 16 August, headed 'Bring back common sense in council code enforcement' and 'Sorting the facts from government's political spin'. The second of the media releases made a number of points:

Suggestion that 107 councillors did not agree to abide by their own code ... is factually wrong.

All councils have an adopted councillor code of conduct that meets the legislative requirements.

That is a fact.

The vast majority of councillors have committed to abide by their council's code of conduct.

Only a small number of councillors have not complied with the statutory requirements ...

Guidance material from the state government failed to articulate a clear and unambiguous process and timelines.

Mixed messages were provided by the government in their 2015 guide and March 2016 circular advice to CEOs, causing confusion about whether the new penalty would apply to current councillors.

The media release quotes directly from the guide and there is no doubt that the code was confusing and ill thought through. This is a problem for local government. You need a centre that is able to lead and work with local government. Rather than be finger-wagging and pointing at local government, they need to instruct and support local government in a way

that enables local government to work at its best. It wants to represent its local communities, it should represent its local communities, but it cannot do it with an overbearing, overweening and incompetent local government minister and centre.

### **Auditor-General: *Follow up of Asset Confiscation Scheme***

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak on the Victorian Auditor-General's report entitled *Follow up of Asset Confiscation Scheme*, which was tabled in June 2016. While I intend to be brief with my contribution, it is important to note that, notwithstanding several of the comments made by the Auditor-General's office, it would appear that significant progress has been made to date in the overall operation of the scheme. In 2013 the asset confiscation scheme audit report identified a number of inherent weaknesses in the operation of the scheme by the Department of Justice and Regulation, the Office of Public Prosecutions and Victoria Police. The 2013 audit made 25 recommendations aimed at improving the overall efficiency and effectiveness of the scheme.

In order to comply with those recommendations the Department of Justice and Regulation appointed a consultant to develop and implement a strategic plan, an operational plan, a governance framework and a performance monitoring framework.

The problem of identification of assets by Victoria Police still remains a weakness and is a major factor in the failure of the scheme to deliver more financial impediments to law-breakers to cease and desist in their criminal activities. However, to be fair, the audit highlights some circumstances which have hindered the scheme's progress. I quote:

To some extent, they were hindered by leadership changes at two of the agencies, legislative reform and the inevitable challenges of seeking agreement across three independent organisations.

However, there appears to be some light at the end of the tunnel, due to substantial and complementary legislative changes to introduce the serious drug offender regime and the unexplained wealth regime into the act. Two new leadership appointments at Victoria Police and the Office of Public Prosecutions together with unsettling or challenging environmental factors have occurred since 2013 and have effectively delayed the process of getting a workable agreement between the agencies responsible for asset confiscations in Victoria. On a positive note, the report shows that of 25 recommendations made in 2013, agencies have completed 16 recommendations and commenced work

on addressing the remaining 9 recommendations. I thank the auditors for their insightful report.

### **Department of Environment, Land, Water and Planning: report 2014–15**

**Mr RAMSAY** (Western Victoria) — My contribution to statements on reports tonight is on the 2015 annual report of the Department of Environment, Land, Water and Planning (DELWP). I particularly want to refer to ‘Local government reform’ on page 66 of that report. I note on the record that under that particular section the report says:

... DELWP is delivering three reform pillars of: integrity and good governance; capacity and performance; and delivering for communities ...

Our integrity and good governance pillar involves clarifying the roles, responsibilities and accountabilities of local government ...

with better relationships with community.

Having said that, I refer to the *Geelong Advertiser* of today and the headline ‘Queenscliffe council threatened with the sack over “unintended” administrative error’. The article says:

The state government has quickly backed away from sacking the Queenscliffe council for not including a formal declaration statement as part of its councillor code of conduct.

The Borough of Queenscliffe was yesterday put through a 24-hour wringer over the implementation of the policy, which councillors unanimously agreed in May.

Confusion reigned from Monday afternoon when the borough was named one of 13 councils to be stood down and replaced by administrators until the October election for failing to properly introduce the code.

The borough held a special meeting of council on May 25 to consider the revised code, which all Victorian councils were required to adopt by July. The code outlines the behavioural standards required of councillors.

The recommendation carried unanimously was that council adopt the policy ‘and that all councillors make a declaration in writing before the chief executive officer, within one month of adoption, stating that they will abide by the ... code’.

And it goes on and on. I guess the point I want to make — and it is very similar to what David Davis said in his contribution — is what an utter shambles the government has made of this legislation. I referred to Queenscliffe as one council which is in Western Victoria Region as an example, but there are many, many other councillors caught in similar positions, where, through no fault of the councillors themselves — these democratically elected councillors — they have been caught in an invidious

position of having been told they would be suspended because of not complying with the requirements of that piece of legislation in relation to signing off a declaration to adhere to the code of conduct which was manifested by the councillors themselves. I know this, because I have had discussions with mayor Helene Cameron, who is distressed by the fact that through no fault of her own she found that her role as mayor was to end merely based on a technicality of misinformation or lack of information that was conveyed to the council by the government in relation to the compliance required.

I just want to make the point that this is yet another example of the Andrews government treating its citizens with contempt in the way it has — —

**Mr Davis** — And incompetence.

**Mr RAMSAY** — Well, thank you, Mr Davis — and incompetence —

*Honourable members interjecting.*

**Mr RAMSAY** — in the way it has provided the conduit of information that was part of the act to these democratically elected councillors who were serving the interests of the community. In doing so they have actually — —

**Mr Dalidakis** interjected.

**Mr RAMSAY** — On a point of order — —

**The ACTING PRESIDENT (Mr Finn)** — Order! I say to Mr Dalidakis that there has been a trend throughout the course of this section of the day’s business for unruly interjections to be constant. There is a common theme throughout those interjections; that common theme is Mr Dalidakis. I ask Mr Dalidakis to restrain himself and to please show some respect for the house.

**Mr RAMSAY** — As I was saying, whether it was unintentional or intentional I will leave to the readers of my contribution — —

**Mr Dalidakis** interjected.

**The ACTING PRESIDENT (Mr Finn)** — Order! Mr Dalidakis is testing my patience and getting very close to breaking my patience. I do not know whether Mr Dalidakis would like me to send him a statutory declaration asking him to restrain himself or what he would like, but I am asking him to show some respect to the house, to show some respect to the Chair and to restrain himself. I will not ask him again.

**Mr RAMSAY** — Thank you, Acting President. As I was saying, whether it was intentional or unintentional, certainly the councillors themselves felt that their reputations had been besmirched by the fact that the headlines were screeching out that the government intended to suspend councillors who did not comply with the act and that in fact under the act they would be ineligible to stand for election again. I understand that the acting minister has moved quickly to redress this shambolic situation created by the Dan Andrews government and is seeking support for amending legislation to come before the house this week, and I certainly hope that happens sooner rather than later.

### **Family and Community Development Committee: abuse in disability services**

**Ms BATH** (Eastern Victoria) — This evening my statement will be on the *Inquiry into abuse in disability services — Final Report*. The recommendation that I wish to highlight this evening is recommendation 6.3, that:

The Victorian government establish and fund a program for appropriately qualified advocacy organisations to deliver dedicated family advocacy services, including in rural and regional areas.

It is clear that family advocacy services for carers in regional and rural Victoria are vital. I am therefore at a loss to understand why the Victorian government will not fund the Gippsland Carers Association a minuscule amount for administration to support its own carer mentor when its own inquiry advocates funding for family advocacy services.

The Gippsland Carers Association previously received \$100 000 from the coalition over a four-year period — that is in effect \$25 000 per year — to pay for an administration worker. The coalition promised to continue funding, with \$120 000 over four years, if they won government. The funding was cut by this state Labor government in November following the election. The reduction in administration support has meant that the carer mentor, who previously spent time on the road providing in-home help, is now office bound. The group's carer mentor, Lorraine Beasley, is not providing the same level of face-to-face care, which we know is so important to rural and regional people. Ms Beasley has said that the human contact was crucial.

My colleague the member for Morwell in the Assembly, Mr Russell Northe, and I have brought the plight of the Gippsland Carers Association to the Parliament before. He has tabled a petition of many

hundreds of signatures in the Legislative Assembly calling for the funding to be reinstated, and I have spoken recently outlining how the carer mentor helped look after carers in their homes and offered them a wide range of support.

The Gippsland Carers Association provided mentoring for almost 200 carers over the last two years. The association says there is an estimated population of some 26 000 caring families in Gippsland, and over 12 000 are primary carers — that is, a family member who works for more than 40 hours per week as an unpaid worker providing accommodation, personal care and support to a child, adult or aged person with a dependent disability. These often involve around-the-clock actions that continue on from love and through struggle in many instances.

Having read through the report, I noticed that there are many examples and comments attributed to the Gippsland Carers Association. I find it hypocritical to the max that this government is happy to cite this group, the Gippsland Carers Association, over 20 times in the report — obviously the information that the group delivered to the parliamentary inquiry was very important in that it was cited 20 times — but it cut its funding last year and is not going to reinstate it. Twenty-five thousand dollars a year is small change. It is so vital that these people — the vulnerable, tired people who are looking after their family members, generally without very much rest and recuperation — have that carer mentor on the road.

The Gippsland Carers Association was critical of the lack of capacity in existing carer support services, particularly in regional areas. President Jean Topps, who appeared at an inquiry hearing, said Carers Australia and Carers Victoria were not able to provide on-the-ground peer support advocacy links to services and networking for families living in regional and rural Victoria. I believe it is important that this happen. Our regional carers are just as important as their city counterparts. It is vital that the Gippsland Carers Association receive adequate government support. This group is providing ongoing on-the-ground support. It is still struggling on, but the service is not what it should be.

I reiterate the point that the Gippsland Carers Association and Jean Topps as president have been wise enough through their years and years of experience to be cited almost 20 times in this report yet they are not being funded. It is such a shame.

## Department of Environment, Land, Water and Planning: report 2014–15

**Ms LOVELL** (Northern Victoria) — I rise this afternoon to speak on the annual report for 2015 of the Department of Environment, Land, Water and Planning. In speaking to this I note that I am relying on a copy that has been printed off in the library — the same copy that was relied on by Mrs Peulich and Mr Ramsay. Such copies are the only ones that are available to the opposition, whilst one government member this afternoon made a contribution from a hard copy of a report, so I do wonder if there is one rule for the opposition and one rule for the government.

I want to refer to page 66 of the annual report, which talks — —

**Mr Dalidakis** interjected.

**Mrs Peulich** — On a point of order, Acting President, the hurling of derogatory remarks by Mr Dalidakis across the chamber, often at female targets, is not acceptable — it is not acceptable for any gender, let alone women.

**The ACTING PRESIDENT (Mr Finn)** — Order! I uphold the point of order. I ask Mr Dalidakis for the very last time to restrain himself. If he cannot restrain himself, he will force me to call the President.

**Ms LOVELL** — Thank you, Acting President. As I was just saying, I want to make my remarks concerning page 66 of this annual report, which talks about local government reform, and the way in which this government has actually botched local government reform.

What we have seen in the last two days is an infringement on the democratic rights of elected councillors. We saw 13 councils effectively sacked by this government, an absolute shambolic situation. Why did this happen? It happened because of flawed legislation that this government had brought in. These councillors had served for three and a half years before this legislation even entered this house. They were democratically elected and served their communities well for three and a half years before the legislation even entered Parliament.

Then we saw, just a few weeks before they had served out their full term of four years as councillors, 13 councils effectively sacked by the government because councillors had not signed a piece of paper correctly. Now, a number of those 13 councils are in my own electorate. I have spoken to a number of councillors and to a couple of CEOs. These councils

were not even notified of their effective sacking; they read it in a press release from the local government inspectorate. How disrespectful to those councillors, to the CEOs and to the communities that those councils represented.

One of the councillors I spoke to said they had signed their document, and the error they had made was that they had all signed the one document, so that was not good enough. There was just one word wrong in the document. They had used the word ‘comply’ — that is, that they would comply with the code, rather than they would abide by the code. One of them, the CEO, did not sign. The councillors signed in front of the CEO, so he witnessed them signing, but he did not sign the document himself. Why should the councillors be penalised for what was an error of their CEO?

One of the councils was waiting for a new CEO to be appointed, so they did not even have a CEO to sign in front of. There was not any correspondence or any discussion with these councils. There was not any attempt to make sure that the councils got it right. These councillors had signed and signed with good intent to abide by the code of conduct, but the government did not even have the decency to go back to them and say, ‘Look, we think there is a small administrative error here. We need to correct this before we actually go ahead and sack you’. But then when they did sack them, they did not even tell them; they just put out a press release from the local government inspectorate saying that they had been sacked.

This has impugned the reputation of more than 100 councillors in this state, and they feel very aggrieved. It is really unfortunate timing — just a matter of weeks before local government elections — because, as we all know, mud sticks. There will be people in the community that say, ‘But those councillors did not do the right thing. Those councillors were going to be sacked by the government’. And what did members of the Andrews government do? They went out and put comments in the media as though they were knights riding in on their white stallions to save these councillors. They were not coming in to save the councillors; they were coming in to fix their own botched mess, their own flawed legislation that has caused this problem. They are not the saviours; they are the creators of the problem, and they should just admit that they are utterly incompetent in everything they do. They are incompetent in handling disputes within the Country Fire Authority and in putting in a new enterprise bargaining agreement, and they have been incompetent in initiating local government reform.

### **Auditor-General: *Follow up of Residential Care Services for Children***

**Ms CROZIER** (Southern Metropolitan) — I am pleased to rise this evening and speak to the *Follow up of Residential Care Services for Children* report that has been prepared by the Auditor-General and was tabled in the house in June of this year. As other members have said in their contributions, it is an important report. I think anything that highlights concerns in relation to some of Victoria's most vulnerable children is indeed very worthy of being looked at. In terms of some of the findings in this report which I am interested in, there is obviously and should always be constant monitoring and improvement in these areas. Of course we do know that some of Victoria's most vulnerable children have very, very complex needs. Some of them have come from very disadvantaged backgrounds of abuse, neglect and other very, very sad circumstances. Certainly child protection workers across the state are endeavouring to do as much as they can to ensure that these children remain safe.

I am pleased to say that in the Auditor-General's report there are some findings on programs that were commenced under the previous coalition government that have been assisting in meeting some of the needs of vulnerable children. I note that there was one particular program that involved hearing from those children — hearing about their needs and their concerns and giving them a greater voice. It was commenced under the previous government to enable that to occur, so that was when this was undertaken. I will quote from page 5 of the report in relation to this particular area. It states:

Our 2014 audit found that there was no clear independent advocacy on behalf of individual children in residential care. Although the department, the Victorian Ombudsman and service providers could all receive complaints about care from or on behalf of children in residential care ...

In undertaking that an independent visitors program was commenced. That was announced in August of 2014, and the Commission for Children and Young People basically started to commence that pilot program to have independent visitors go in and hear from these children and hear their concerns in residential care. I am looking forward to hearing the final evaluations of those findings and what that pilot actually produced.

We know that under the former coalition government significant reform was required, and the former minister undertook that following the two damning Ombudsman reports that found a lot of problems within

the out-of-home care system. We still have an issue as we speak. We see that the child protection incident reporting or category 1 reporting numbers have increased in the first six months of this year or the final six months of last financial year. We now have data indicating an increase in the number of assaults in child protection and family services-related incidents. There has been an increase between quarter 3 of last financial year to quarter 4 of around 15 per cent, with the total number increasing from 862 to 957 on the latest figures.

If this trend were to continue, these figures would be significantly higher. I think this is concerning. There was a report that highlighted some of the real concerns about what is occurring in our residential care system. An article in the *Age* earlier this year, in May, before these final figures came out, only talked about the third quarter or the 862, but since then we have seen a further increase.

Some of these incidents are alarming. We are talking about trading sex for drugs and children being recruited into street gangs. The report indicates that we have got a system that is under enormous stress. I think the minister needs to address these concerns because we have got this trajectory of increasing numbers of category 1 incident reporting. Unfortunately I am unable to get data for the first six months of this financial year, from July to December — I have to wait until October to get that — so we do not really know what the full picture is.

**Mr Dalidakis** — On a point of order, Acting President, just earlier you upheld a point of order on behalf of Mrs Peulich. I ask that you refer that to the President for review, because I am not satisfied with your ruling.

**The ACTING PRESIDENT (Mr Finn)** — Order! I am more than happy to refer that to anybody you like. Send it to the High Court, if you like. I am certainly referring it to the President — of the United States if I have to. That concludes statements on reports and papers.

### **ADJOURNMENT**

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

That the house do now adjourn.

### **Goulburn Valley Health**

**Ms LOVELL** (Northern Victoria) — My adjournment matter is for the Minister for Health, and it

is regarding Goulburn Valley Health's Waranga Memorial Hospital and aged-care home in Rushworth. Around \$8 million funding is needed to build a new hospital co-located with the Waranga Aged Care Hostel. My request of the minister is that her government either commits to provide the \$8 million funding required to build a new contemporary Waranga Memorial Hospital and aged-care home or that the Andrews government secures funding through the federal government's Regional Health Infrastructure Fund, which opened in July, by making the Rushworth hospital project Victoria's priority for funding in this grant round.

The existing hospital's aged-care home building and facilities are old, outdated and not up to standard. The current 12-bed hospital, an acute and palliative care non-emergency facility, is not sufficient to cater for the catchment made up of referrals including from Goulburn Valley Health, Waranga Medical Centre, Rushworth Medical Centre, Waranga Aged Care Hostel and the Waranga District Nursing Service. The current nursing home can cater for no more than 10 residents, with facilities comprised of one four-bed room, two two-bed rooms and two single-bed rooms.

In 2015 a masterplan for the redevelopment was created, and a feasibility study has been undertaken. The hospital catchment community has proposed a 40-bed facility, including 36 aged-care beds and 4 acute beds, 14 new bedrooms, 4 consulting rooms, a treatment room, an activity room, a kitchenette and car parking. I understand that the department has moved to schematic design, but no funding is attached to this project as yet. It seems quite strange that a project would move to schematic design when funding has not yet been secured. I also understand that an application either has been or will be submitted to the Regional Health Infrastructure Fund, which opened in July, for funding.

According to the government's own media release of 23 June this year, the fund is to:

... upgrade rural and regional hospitals to ensure all Victorians can access the high-quality care and facilities they need and deserve, no matter where they live.

A rebuild of the Waranga hospital and aged-care facility certainly meets this aim, and Goulburn Valley Health has listed this project as high priority. It is imperative that funding is secured for the Waranga hospital and aged-care home to better service the health care needs of the Rushworth and surrounding community. It is disappointing, however, that the catchment community's requests to meet with the minister on this issue have been ignored. The minister

can, however, make amends by either providing state funding for this project or securing federal funding through the Regional Health Infrastructure Fund.

My request of the minister is that either her government commits to provide the \$8 million funding required to build a new contemporary Waranga Memorial Hospital and aged-care home or the Andrews government secures funding through the federal government's Regional Health Infrastructure Fund, which opened in July, by making the Rushworth hospital project Victoria's priority for funding in this grant round.

### Western Highway duplication

**Ms DUNN** (Eastern Metropolitan) — My adjournment matter is for the Minister for Roads and Road Safety, Luke Donnellan. The history of the Western Highway duplication project is one of failure when it comes to full and proper community engagement and conserving environmental values. VicRoads put insufficient effort into mapping and rating vegetation during the design of the section between Beaufort and Buangor. They estimated that 221 large or very large old trees would be cleared but ended up cutting down 900 trees against the wishes of the local community.

This coming summer the Western Highway duplication section 2b, between the Buangor bypass and Ararat, is slated to start construction. VicRoads seems to have failed to learn from its planning mistakes from earlier sections and continues to plan its design on the basis of the initial flawed environment effects statement, which failed to identify several areas of national conservation significance. The proposed road alignment will destroy critical habitat as defined by the Federal Environmental Protection and Biodiversity Conservation Act 1999, specifically 4.3 hectares of grassy woodland, 31.1 hectares of golden sun moth habitat and 24.6 hectares of striped legless lizard habitat. It is not too late to prevent such wanton damage.

VicRoads has attempted to mollify the local community but has not adequately responded to requests for full consideration of these environmental impacts. VicRoads dawdled for six months in releasing a VicRoads-commissioned peer appraisal of the environment effects statement. What was the reason for the delay? The peer appraisal identified critical shortcomings. VicRoads then unilaterally decided it did not matter anyway and is proceeding with its preferred alignment, and the environment be damned.

The action I seek is to ask the Minister for Roads and Road Safety to take responsibility for the governance

failures of VicRoads, do something for the environment and fully consider alternatives to the current alignment to avoid areas of critical habitat.

### Commemorative services

**Mr MORRIS** (Western Victoria) — My adjournment matter this evening is for the attention of the Minister for Veterans. It relates to commemorative services, one of which is to occur tomorrow commemorating the Battle of Long Tan. I am quite concerned that it is unfortunate that we are seeing something of a pattern emerge with significant commemorative events. For Remembrance Day last year we saw that there was very, very late notice given that the Parliament was not going to be sitting for the morning of Remembrance Day and that members were not required; however, that notice was only given during that week.

**Ms Crozier** — So disorganised.

**Mr MORRIS** — Terribly disorganised. Similarly this week, where we have the anniversary of the Battle of Long Tan, with significant commemorative events for that particular occasion, I received an email this Tuesday at 4.11 p.m. notifying me that the house was not going to be meeting till 2 o'clock. There had been some scuttlebutt that had been floated around that the government may or may not be making a decision, but it certainly goes to the lack of decision-making and the poor communication of this government that no official notice was given that this was going to occur.

I believe it shows a huge amount of disrespect for the veterans and a huge amount of disrespect for our returned service personnel that this government is choosing not to pass on this information in a timely manner. To not inform members, particularly members from regional areas such as me, that we were able to attend services in our own electorates is shameful. Why were we not informed about this a month ago? There is absolutely no reason why we could not have been told about this a month ago so we could have made the appropriate arrangements to attend these ceremonies. The government has shown a huge amount of disrespect for our service personnel and a huge amount of disrespect for the organisers of these significant commemorations by not informing us of this happening in a timely manner. To expect that even a week out is long enough is a disgrace. A week is nowhere near long enough. We should certainly expect that —

**Ms Symes** interjected.

**Mr MORRIS** — No, I did not say that we had notice a week out. I said: even if it was a week out, that would still not be anywhere near long enough. So the action I seek of the minister is to ensure that in the future all members of Parliament are advised well in advance of proposed changes to sitting hours as a result of significant commemorative events.

### Night Network services

**Ms SYMES** (Northern Victoria) — My adjournment matter this evening is for the Minister for Public Transport. As Labor promised in opposition and of course, we see, has delivered in government, the Melbourne Night Network providing 24-hour public transport on weekends is a reality for many Victorian late-night commuters. Included in this are the 2.00 a.m. coach services to key regional centres. These services enable people in country areas to enjoy all that Melbourne has to offer and know that they can still get home safely without being hit with a \$100-plus taxi fare.

As we know, these services have been enjoyed to date by residents of Ballarat, Bendigo, Traralgon and Geelong. It is expected that patronage will increase as we approach the AFL finals, the Spring Racing Carnival and the warmth of summer. It has been very pleasing to these communities that the government has announced an extension of the one-year trial for a further six months so they may continue to enjoy a night out or perhaps leave the car at home and get to work and home again in regional Victoria safe and sound. This of course is great news for those planning on attending the many events Melbourne has in the future events catalogue, such as the comedy festival and the Australian Open, to name a few.

Since the announcement of 24-hour weekend transport for parts of regional Victoria I have had contact from constituents asking if they too can have a night coach. My days of staying out until 2.00 a.m. on a Friday or Saturday night are sadly numbered, but there are many, many young people in Wallan, Broadford, Kilmore and Seymour who want to enjoy a night out in the city and want to know if a coach servicing these towns can be added to the trial. I think that is a fair and reasonable request, and I would ask the minister to give favourable consideration to my constituents' desire to have a Seymour Night Network coach and to advise me of what actions can be taken to deliver this for my community.

### **Bellarine police resources**

**Mr RAMSAY** (Western Victoria) — My adjournment matter today is for the Minister for Police, Lisa Neville, and the action I seek from her is a commitment to allocate more frontline police resources to her Assembly electorate of Bellarine. I have spoken previously about community efforts to fund CCTV in Bellarine communities, but the state government has denied these requests and left the federal government to finance major security upgrades at Ocean Grove.

It is an absolute shame that the changing culture of these once quiet seaside communities has forced residents at Drysdale and Barwon Heads to form Neighbourhood Watch programs out of fear for the safety of their families and friends. Last week the shadow Minister for Police, Edward O'Donohue, and I met with residents at Queenscliff who are concerned about rising crime levels in their small town. They too are looking at forming a Neighbourhood Watch group. I am sure some constituents in this area feel deceived after voting for Labor in 2014, when Ms Neville promised to open the Queenscliff police station for 16 hours a day. Here we are two years later, and the station is only manned from 9 o'clock to 3 o'clock and remains closed for three days a week.

Home invasions, ram raids and hoon driving are among the rising crimes changing the amenable atmosphere of these traditionally quiet communities. With available police occupied by small crimes in nearby Geelong, there are often no resources available to patrol the Bellarine towns. It is increasingly apparent that the criminals have figured this out. Mr O'Donohue and I were told last week about one instance in which burglars breaking into a business were overheard stating that they had 20 minutes until the police would show up.

Ms Neville, this is simply unacceptable. As a Bellarine representative, it is not good enough for your constituents to feel they must take surveillance into their own hands while criminals plan their offences around the infrequent police patrols. Four months ago the Labor government announced an extra 406 sworn police, but there is still no commitment to send additional resources to the Bellarine Peninsula.

Victoria is in the grip of a crime wave which has reached the Bellarine, with an increase in assaults in Drysdale and crime up in Leopold, Queenscliff, Barwon Heads and Torquay. I say enough is enough. The Minister for Police needs to honour her responsibility to her constituents as their elected member by allocating additional frontline resources to

the Bellarine. Perhaps the Minister for Bellarine would respond to these issues if only her office and where she lives were actually located in her own electorate.

### **African Family Services**

**Ms SPRINGLE** (South Eastern Metropolitan) — My adjournment matter is for the Minister for the Prevention of Family Violence. Recently I met with two remarkable young women who have set up a not-for-profit organisation called African Family Services, which aims to serve the greater Victorian multicultural African community in a number of ways. African Family Services will provide services to African people who are experiencing family violence and who require general family services. It will be the only family violence service that specifically helps Victoria's African community and will benefit from being run by members of that community and by being informed by both cultural understanding and best practice. African Family Services is keen to emphasise that it aims to work with existing services and to complement the work that is already being done.

One of the big concerns facing Victoria's African community is that many members feel unable to approach existing services for help because of a perceived lack of cultural awareness. In many cases this is mostly an issue of perception, but the point remains that if members of Victoria's African communities are avoiding seeking out help because of a perception they may not get culturally appropriate services, then there is clearly a gap that can be filled by an initiative such as L and L's African Family Services.

As the Royal Commission into Family Violence made very clear, the experiences and needs of people who are part of culturally and linguistically diverse (CALD) communities are very different to those of other members of Victoria's community. The royal commission found that the effects of family violence experienced by people from CALD communities in particular are compounded by experiences of recent migration and resettlement as well as systemic barriers to seeking and obtaining help. Members of Victoria's African communities are also over-represented amongst those who have suffered trauma prior to migration and during the migration and resettlement process, especially if they have arrived as refugees.

The founders of African Family Services already have extensive connections across both Victoria's African community and social service communities and are endeavouring to grow the capacity of their organisation to meet the currently unmet needs of their community. The action I request from the minister is that she meets

with the founders of African Family Services to discuss potential opportunities for the growth in their operational capacity.

### **Education complaints commissioner**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education. It concerns the minister's confirmation recently that he will appoint an independent commissioner to deal with parent complaints and issues with regard to their children's education. The point that I wish to make to the minister and the request that I have for the minister involves the need for this commissioner to be truly independent. We need a commissioner who is independent from the minister's office; we need a commissioner who is independent from the Department of Education and Training.

As one would know, I speak to families with a child with autism on a pretty regular basis, and the Victorian education department does not have a great record when it comes to education of children with autism — quite the opposite, in fact. I have in past times had reason to get up in this house and, well, basically carpet-bomb the education department for its attitude toward autistic education in this state. If this independent — so-called independent — commissioner is too closely associated with the department, or indeed is from the department, that will very much prejudice the issues and the complaints that parents of children with autism may have.

This is an extraordinarily important issue because, as we know, the number of children with autism is ballooning, and the education of these children is absolutely crucial. If they are not handled in a way that they should be, if they do not receive the education that they should, then it will jeopardise their quality of life for the rest of their lives, it will jeopardise the quality of life of their families and it will jeopardise any opportunity they have to make a meaningful contribution to society. So I think it is extremely important that the minister does appoint a truly independent commissioner so that the autistic community — and I include families in that — can have confidence that any complaints or issues that they have will be handled in a fair and reasonable way. I ask the minister to ensure that this commissioner that he has so recently confirmed will be appointed is truly independent, because anything less will be just not good enough.

### **Firearms**

**Mr BOURMAN** (Eastern Victoria) — My matter tonight is for the Minister for Police. Control of legal firearms is important; it is not as important as illegal firearms, but still important. Advertising of legal firearms in this state is quite restrictive, mainly because the laws were proposed prior to 1996 when the internet was not popular and there were limited avenues to sell legally. Clearly it is not 1996 anymore, and the internet is a daily part of our lives. Every state in Australia allows the sale of legal firearms in a manner that covers the internet — well, every state except Victoria — and this has caused some confusion and unnecessary administrative burden to the licensing and regulation of people and actually has no public safety outcome at all. I call on the Minister for Police to initiate changes that allow the sale of legal firearms via the internet to bring us in line with the rest of the country, which is, after all, what the national firearms agreement is supposed to be about.

### **Local learning and employment networks**

**Ms TIERNEY** (Western Victoria) — Tonight my adjournment matter is for the Minister for Training and Skills, Steve Herbert. I take this opportunity to thank him for ensuring that learning and further education are again at the centre of the state's priorities in Victoria. The point I want to raise is the issue of the countless number of people who work in local learning and employment networks. They donate an enormous amount of time and effort, and these centres or networks are often the point where there is a chance for those in our communities that are unemployed to reconnect and there is an opportunity to upskill. Of course more important than all of that, it is an inclusive environment that takes our communities forward.

From the people that I have met over the last nine and a bit years who work in and are associated with these centres, I think a lot of their work goes essentially unnoticed, and it is really important for us to recognise the efforts they put in. The action I seek is for the minister to develop an appropriate recognition system so that we can make sure that individuals in our communities and indeed communities generally have that capacity to go forward. I would ask him to develop that and that it is done so in a timely fashion.

### **Level Crossing Removal Authority**

**Mr DAVIS** (Southern Metropolitan) — My matter for the adjournment this evening is for the attention of the minister responsible for WorkCover, and it relates to independent soil testing that has occurred on the sky

rail construction site. It shows toxic levels of lead, or what appear to be toxic levels, as a result of independent testing that has been done. In some cases the levels appear to be up to 160 times the deemed safe level.

Safe soil has natural lead residues of up to 100 parts per million, and the United States Environmental Protection Agency recommends that people have blood tests if exposed to levels above 400 parts per million. Testing on soil around the construction site of the sky rail by the firm XRF shows in some spots 7000 parts per million and indeed is showing in some places up to 16 000 parts per million. Now, this occurs along the sky rail areas where there are six individual gantry sites, along the line between Grange Road and Poath Road. Clearly legacy powerline structures are coated in thick, dark grey lead paint. As the paint wears, rainwater carries it potentially into the soil, and over decades this has leached quite some distance.

Workers moving around the site without wearing relevant safety equipment may well be exposed to significant lead levels. This can also be spread to nearby playgrounds or parkland, or individual houses nearby. There is one Level Crossing Removal Authority (LXRA) video that shows workers smashing lead-contaminated legacy powerline gantries, and they do not appear to have any understanding, from that video, of the toxic hazard that is involved. Now, of course this sky rail is being built without a proper environment effects statement process, or even the stripped-down process that could have occurred under other acts. The project is being pushed forward without community support, and it is a project that nobody voted for.

There is obviously tree and other destruction occurring, but this specific one is a matter of interest to the minister responsible for WorkCover because it reflects industrial safety issues and the safety of the workers involved and also the potential safety of the community. So I would ask the minister responsible for WorkCover or his agencies, or both, to investigate this closely, to report back to this Parliament and to bring the cowboys at the LXRA into line.

### **Doctors in Secondary Schools**

**Mr MELHEM** (Western Metropolitan) — My adjournment matter tonight is for the Minister for Education, James Merlino. The action I seek is for the minister to provide me with the latest information on the government's plan to have doctors in 100 Victorian schools, and in particular how many schools in Western Metropolitan Region are participating in that program.

Three months ago applications opened for 100 Victorian government secondary schools to have regular access to a doctor and appropriate health care. I understand that almost 200 secondary schools across Victoria were then invited to apply to participate in this program. Through the program, participating schools will partner with local doctors who will visit the schools for up to one day a week. I commend the minister for introducing such a fantastic program. However, as this is a very important initiative for disadvantaged students and since the Victorian budget for 2016–17 provided \$43.8 million in funding, I think it is important that the minister provide me with an update on the program's latest developments, particularly in Western Metropolitan Region.

### **Whitfield police station**

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter for the attention of the Minister for Police. The action I seek from the minister is that she provide a date by which the Whitfield police station will be manned or have a police officer working full time from that station.

As I have advised the house previously, the then Minister for Police, Wade Noonan, said in a statement on 15 April 2015:

As Minister for Police, I made a commitment in Parliament in February that this would keep all existing police stations open.

This government does not support the forcible closure of police stations against the wishes of local communities. There are 329 police stations across the state and they all play a significant role in the work done by police.

You can imagine — after that clear and unequivocal promise from the minister that all police stations would stay open, with a particular emphasis on the 105 single-member stations — my surprise to learn that the Whitfield police station has indeed, according to locals, been vacant since around Easter last year, well in excess of 12 months.

Mr McCurdy, the outstanding local member, and I met with the Whitfield community during the winter recess in this place. There was an enormous degree of concern from members of the community about the impact on community safety in Whitfield, and reference to the fact that that police station has attached to it a four-wheel drive which is important in rescue and recovery through the high country and the fact that a police presence is a deterrent to illegal shooting and other activity. Locals reported to me that they have seen an increase in hoon driving and other dangerous driving through the town since the police station has been closed.

The minister was reported in the *Border Mail* of 29 July as saying she is 'keeping tabs on the absence of a police presence at Whitfield'. With the greatest of respect, the local community expects more than just keeping tabs. The community expects the promise that Wade Noonan made to be honoured by the current Minister for Police. It is clear that Victoria Police is under significant pressure right across Victoria because of the cuts to frontline police since Daniel Andrews became the Premier, and we are seeing that borne out in places such as Whitfield, where the police station has now been closed for over a year.

As I said in my introduction, the action I would seek from the minister is that rather than being a passive observer keeping tabs on the absence of a police presence she actually do something and honour the commitment made by the then minister and ensure that the one-man police station at Whitfield is open and police are protecting the community.

### North Road, Ormond, level crossing

**Ms CROZIER** (Southern Metropolitan) — My adjournment matter this evening is for the minister responsible for the removal of level crossings. I am glad that Mr Dalidakis is in the house because it again relates to a level crossing that affects both our electorates: the level crossing removal at North Road in Ormond. I am referring to a response that I received from the Minister for Public Transport to a previous question in relation to an issue that had affected the traders.

I asked the minister about an issue relating to a power outage, and in her response she did mention that it only affected three traders. However, she omitted to refer to the fact that there were traders who paid thousands of dollars for generators to keep their stores and wares refrigerated. Nevertheless, in her response she also refers to an Open for Business campaign that the Level Crossing Removal Authority (LXRA) is running in the area and provided me with the details of where that can be found.

As we know, the LXRA has been overseeing these level crossing projects. Of course this particular level crossing was funded and planned under the former coalition government, so there is no issue about the removal of the level crossing. This one is a rail-under-road project, and I am very pleased about that. It has caused some disruption, which of course we know about, but there have been many concerns that I have raised in relation to the project itself and the non-consultation in terms of how this project has been managed and the government's response. I think the

minister at the table, Mr Dalidakis, also knows my concerns about this because I have raised them with him on a number of occasions.

Nevertheless, going back to this Open for Business campaign that the minister is referring to, I would like to ask the minister, because businesses are urged to go to this Open for Business campaign, could she please advise what measures have been applied to test if the Open for Business campaign has been effective and has assisted local traders that have felt a devastating impact during the months and months of this level crossing removal project that has been undertaken.

### South Melbourne Park Primary School

**Ms FITZHERBERT** (Southern Metropolitan) — My adjournment matter is for the Minister for Education. It is in relation to the South Melbourne Park Primary School and in particular the impact of the grand prix on that school, its construction and also its operation when it is finally open.

The *Proposed Australian Grands Prix (Formula One) Regulations 2016 — Regulatory Impact Statement* document was very recently released. I looked in vain for any mention of the now long-delayed South Melbourne Park Primary School, and I find it surprising that it was not mentioned. If things go to plan, and they have not to date, then work is due to start on the school in January when preparation for the grand prix is in full swing, which creates chaos in Albert Park Reserve.

I note that there have recently been more delays to this project. In particular, yet another time frame has been announced for the delivery of the school this week, and although Mr Jennings told us earlier this year that the master plan would be released to the public around June of this year, that has now been pushed back to the fourth quarter of this year, which is a very vague time plan. The grand prix will be held from 16 March to 19 March in 2017, and the park is restricted for the specified period, which is 12 weeks before the race and 4 weeks afterwards.

Regulation 47 within the proposed regulations prohibits certain conduct in the specified period that could interfere with the carrying out of works in the declared area, including unauthorised entry into a works area. 'Works area' is defined extremely broadly as an area:

- (a) which is marked off by the corporation by the use of fencing, barriers or other permanent or temporary means of physical demarcation; and
- (b) in which works, services or any other activities undertaken by or on behalf of the corporation have commenced but have not been finally completed.

Last year in the weeks leading up to the grand prix and after, the area around the school site was fenced, and therefore restricted, by the grand prix corporation. The regulatory impact statement refers to the significant impact on people who use the park, saying:

Potentially hundreds or thousands of park users will be affected over the 16-week works period to the extent that the works area prevents or curtails their activities.

And it affects possibly large numbers of people.

I think it is likely that even if the site is vacated so that work can start in January, as is now I think plan C or D, the preparation work for the grand prix will make it very difficult for work to happen on the school at the same time. There is also the ongoing issue of how the school will coexist with the grand prix, which is not at all addressed in the regulations.

The action I am seeking is for the minister to clarify how the grand prix will impact on the planned building of the school and its ongoing operation, and how this will be addressed in practice.

### Responses

**Mr DALIDAKIS** (Minister for Small Business, Innovation and Trade) — We have had adjournment matters tonight from Ms Lovell to the Minister for Health regarding a government commitment of \$8 million to the Rushworth hospital project; from Ms Dunn to the Minister for Roads and Road Safety in relation to VicRoads consultation and the consideration of other routes in relation to the local area; from Mr Morris to the Minister for Veterans seeking to ensure that all MPs are advised of changes to sitting hours; from Ms Symes to the Minister for Public Transport in relation to the Seymour network coaches; from Mr Ramsay to the Minister for Police asking for more police in Bellarine; from Ms Springle to the Minister for the Prevention of Family Violence in relation to African family services, asking the minister to meet with them to assist them in increasing their operational capability; from Mr Finn to the Minister for Education regarding a desire to have an independent commissioner for the Department of Education and Training; from Mr Bourman to the Minister for Police in relation to the advertising of firearms sales through the internet; from Ms Tierney to the Minister for Training and Skills regarding the introduction of a local learning centre recognition system; from Mr Davis to the minister responsible for WorkCover in relation to the investigation of soil testing on the sky rail project site; from Mr Melhem to the Minister for Education in relation to providing the latest information on schools in his region of Western Metropolitan that are

participating in the Doctors in Secondary Schools program; from Mr O'Donohue to the Minister for Police asking about the Whitfield police station staffing and opening; from Ms Crozier to the Minister for Public Transport in relation to the traders' Open for Business campaign and how the minister assesses whether it has been successful; and finally from Ms Fitzherbert to the Minister for Education in relation to the impact of the grand prix on the South Melbourne Park school build, which is due for construction to begin in January 2017.

Besides that, President, I also have a written response to an adjournment debate matter raised by Ms Patten on 8 June 2016.

**The PRESIDENT** — Order! I thank the minister. On that basis the house stands adjourned.

**House adjourned 6.31 p.m. until Thursday,  
18 August, at 2.00 p.m.**