

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 31 August 2016

(Extract from book 12)

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HANSARD¹⁵⁰



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
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms G. A. Tierney, MLC

Legislative Council committees

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

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

Legislative Council standing committees

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

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

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

participating members

Legislative Council select committees

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr K. EIDEH

Acting Presidents:

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

Leader of the Government:

The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of the 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 ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ¹	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 ³	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
Elasmr, 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
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
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			

¹ Resigned 25 February 2015

² Appointed 15 April 2015

³ 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

CONTENTS

WEDNESDAY, 31 AUGUST 2016

ACTING PRESIDENTS	3991
DELIVERING VICTORIAN INFRASTRUCTURE (PORT OF MELBOURNE LEASE TRANSACTION) ACT 2016 <i>Least cost capacity expansion principles order</i>	3991
PAPERS	3991
PARLIAMENTARY COMMITTEES <i>Membership</i>	3991, 3996
MINISTERS STATEMENTS <i>Skills First</i>	3991
MEMBERS STATEMENTS <i>Montmorency Asylum Seekers Support Group</i>	3992
<i>Shepparton Search and Rescue Squad and State Emergency Service Tatura unit</i>	3992
<i>Shepparton court complex</i>	3992
<i>Victorian Training Awards</i>	3992
<i>Olympic Games</i>	3992
<i>Dame Phyllis Frost Centre exhibition and performance</i>	3993
<i>Western Victoria Region infrastructure projects</i>	3993
<i>Social enterprise sector</i>	3993
<i>Employment</i>	3994
<i>State Emergency Service Gippsland volunteers</i>	3994
<i>Korumburra Secondary College</i>	3994
<i>Sale Specialist School</i>	3994
<i>Onshore unconventional gas</i>	3994
<i>School breakfast clubs</i>	3995
RULINGS BY THE CHAIR <i>Member conduct</i>	3995
JOINT SITTING OF PARLIAMENT <i>Legislative Council vacancy</i>	3996
LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2016	4002, 4022, 4034
QUESTIONS WITHOUT NOTICE <i>Child protection</i>	4014
<i>Wild dogs</i>	4014, 4015
<i>VicForests</i>	4015, 4016
<i>Serious sex offenders</i>	4016
<i>Prison capacity</i>	4016, 4017
<i>Local government code of conduct</i>	4017
<i>Youth justice centres</i>	4018
<i>Melbourne Youth Justice Centre</i>	4018, 4019
<i>Written responses</i>	4019
CONSTITUENCY QUESTIONS <i>Western Metropolitan Region</i>	4021, 4022
<i>Eastern Metropolitan Region</i>	4021, 4022
<i>Western Victoria Region</i>	4021, 4022
<i>South Eastern Metropolitan Region</i>	4021
<i>Southern Metropolitan Region</i>	4022
ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016 <i>Second reading</i>	4023
CRIMES AMENDMENT (CARJACKING) BILL 2016 <i>Second reading</i>	4034
<i>Third reading</i>	4044

BUSINESS OF THE HOUSE <i>Standing and sessional orders</i>	4045
STATEMENTS ON REPORTS AND PAPERS <i>Country Fire Authority: report 2014–15</i>	4049
<i>Auditor-General: Monitoring Victoria's Water Resources</i>	4050
<i>Auditor-General: Enhancing Food and Fibre Productivity</i>	4050
<i>Victoria University: report 2015</i>	4051
<i>Department of Economic Development, Jobs, Transport and Resources: report 2014–15</i>	4052
<i>Cancer Council Victoria: report 2015</i>	4053
<i>Auditor-General: Follow up of Residential Care Services for Children</i>	4053
OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016 <i>Statement of compatibility</i>	4054
<i>Second reading</i>	4055
MELBOURNE COLLEGE OF DIVINITY AMENDMENT BILL 2016 <i>Statement of compatibility</i>	4056
<i>Second reading</i>	4057
ADJOURNMENT <i>Timber industry</i>	4058
<i>Government procurement policy</i>	4059
<i>Mirboo North swimming pool</i>	4059
<i>Hurstbridge rail line</i>	4060
<i>Public Transport Victoria CCTV footage</i>	4061
<i>Northern Victoria Region road safety</i>	4061
<i>Bendigo Health allied services</i>	4062
<i>Wattle Day</i>	4062
<i>Gender equality</i>	4063
<i>Eumemmerring scout hall security</i>	4063
<i>Police communications system</i>	4063
<i>Assistance dogs</i>	4063
<i>Blackburn level crossing</i>	4064
<i>Country Fire Authority enterprise bargaining agreement</i>	4064
<i>Sunbury Residents Association</i>	4065
<i>Rate capping policy</i>	4065
<i>Baby Makes 3</i>	4066
<i>Myki ticketing system</i>	4066
<i>Responses</i>	4067

Wednesday, 31 August 2016

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

ACTING PRESIDENTS

The PRESIDENT laid on table warrant nominating Mr Melhem to preside as Acting President when requested to do so by the President or Deputy President.

**DELIVERING VICTORIAN
INFRASTRUCTURE (PORT OF
MELBOURNE LEASE TRANSACTION)
ACT 2016**

Least cost capacity expansion principles order

Ms PULFORD (Minister for Agriculture), by leave, presented order.

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General's Report on Audit Committee Governance, August 2016 (Ordered to be published).

Improving Cancer Outcomes Act 2014 — Victorian Cancer Plan 2016–2020 pursuant to section 18(3) of the Act.

Statutory Rules under the following Acts of Parliament —

Building Act 1993 — Nos. 103 and 104.

Infringements Act 2006 — No. 101.

Land Act 1958 — No. 102.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 105 to 109.

Victorian Environmental Assessment Council Act 2001 — Government response to the Victorian Environmental Assessment Council's Marine Investigation under section 16(2) of the Act.

PARLIAMENTARY COMMITTEES**Membership**

Ms PULFORD (Minister for Agriculture) — By leave, I move:

That —

- (1) Ms Tierney be discharged from the Standing Committee on the Environment and Planning;

- (2) Mr Eideh be appointed to the Standing Committee on Legal and Social Issues;

- (3) Mr Somyurek be —

- (a) discharged from the Standing Committee on the Environment and Planning; and

- (b) appointed to the Standing Committee on Legal and Social Issues;

- (4) Mr Melhem be —

- (a) discharged from the Standing Committee on Legal and Social Issues; and

- (b) appointed to the Standing Committee on the Environment and Planning.

Motion agreed to.

MINISTERS STATEMENTS**Skills First**

Mr HERBERT (Minister for Training and Skills) — It gives me great pleasure to advise the house about Skills First, the Andrews government's complete transformation of training and the TAFE system in this state. Skills First commits to a contestable but more managed system where high-quality providers — not the dodgies that the previous government funded to the tune of hundreds of millions of dollars — can satisfy new, rigorous standards. They will get government-funded contracts to provide high-quality, industry-relevant training that leads to jobs for people — not the unemployment line, which is what we saw under the previous government.

Skills First has been 18 months in the making, as we have cleaned up the scandal-ridden contract system in this state, as we have strengthened TAFEs and as we have put in new industry engagement arrangements. This now builds a brand-new training system for this state. It will have new, accountable contracts for all government-funded training. It will restore supplementary funding for TAFEs. It will have an industry focus on the new course list, the new subsidy rates that reflect the cost of training and a new era of transparency.

Honourable members interjecting.

Mr HERBERT — Yes, all of you there can simply flick onto the website and find out all about it — find out the details of the new system.

More than that, there is a \$30 million fund — The Nationals will be interested in this — for regional and specialist training for small country towns which need

training in their communities. There is \$20 million for high-needs learners, who are some of the most disadvantaged students, to give them that extra hand to help them get an apprenticeship or a traineeship, and there is \$40 million for a Workforce Training Innovation Fund to develop new training products and research for the industries of the future.

Can I say the only blackspot in training's future in this state is the Turnbull government's absolute inaction on VET FEE-HELP, the scandal-ridden scheme, and their inability and unwillingness to sit down and negotiate a new national partnership. Worth some \$150 million annually to this state, the national partnership runs out in June next year. It is time the Turnbull government got cracking, sat down with state leaders and took their part in a partnership for training and skills in this country.

MEMBERS STATEMENTS

Montmorency Asylum Seekers Support Group

Ms DUNN (Eastern Metropolitan) — Late last week I had the great pleasure of joining the Montmorency Asylum Seekers Support Group at its 11th fundraising lunch for the Asylum Seeker Resource Centre (ASRC). I am pleased to report that lunch event raised \$3000 for the ASRC. I certainly commend the work of Barbara Jackson and Marie Krohn who have been driving forces in that particular group. In terms of the day, we were very fortunate because Kon Karapanagiotidis, founder of the ASRC, spoke about the work of the ASRC and the parlous state of affairs in relation to people seeking safety on our shores.

In terms of the Montmorency Asylum Seekers Support Group, it has an extraordinary history in that it was a group of friends who got together for coffee in 2001, very soon after the *Tampa* incident, and they decided to do something for asylum seekers. They have been working on that question, on that journey, ever since. What concerned them was that people seeking asylum were living in the community while they waited for their applications to be heard but they were going hungry. They decided to get practical and get active and they started raising money for those asylum seekers. I commend their efforts and their work. More strength to their arm.

Shepparton Search and Rescue Squad and State Emergency Service Tatura unit

Ms LOVELL (Northern Victoria) — It was wonderful to join the Shepparton Search and Rescue Squad and the Tatura State Emergency Service crew

last week for the launch of their joint storm rescue trailer and the search and rescue squad's new lighting tower and generator. All three pieces of equipment were made possible through a volunteer emergency services equipment program grant. It was wonderful to be with the squad and the crew when they launched their new equipment. The work they do is invaluable, and having the best equipment helps them to help us. Thank you to all the volunteers in these two great organisations who work so hard to make our Greater Shepparton community an even greater and safer place to live.

Shepparton court complex

Ms LOVELL — I would like to update the house on the progress of the former Liberal government's investment in the Shepparton law courts precinct redevelopment project. Contractors have recently completed the underground sewerage works and the piling and anchoring to retain the building, so the project is on track for completion late next year. The next stage of works — the pouring of the basement concrete slab that will create the foundation for the five storey structure — is set to begin in coming weeks, and is due to be finished by Christmas. Staff are expected to move into their new workplace at the end of next year, and court proceedings will begin soon after. Landscaping and other external finishing touches are expected to be finished at the start of 2018. I want to once again thank the former Attorney-General, Robert Clark, for recognising the importance of and funding this \$73 million project for our local community.

Victorian Training Awards

Mr ELASMAR (Northern Metropolitan) — On Friday, 25 August, it was my pleasure to attend the Victorian Training Awards ceremony held at the Palladium at Southbank. This is an annual event that recognises young Victorians for their outstanding abilities and talent. The event was hosted by the Minister for Training and Skills, the Honourable Steve Herbert, and celebrated the achievements of young Victorians. It recognised their continued and determined striving for excellence in their educational fields of endeavour. All the candidates were superb, and I am pleased I did not have to choose the finalists. As usual I was impressed with the high standard of excellence of all the nominees. They are too numerous to name, but I sincerely congratulate them all.

Olympic Games

Mr ELASMAR — I would like to take this opportunity to welcome home all our Olympic teams

from Rio. I thank Ms Kitty Chiller, Australia's chef de mission, for taking good care of all our athletes in Rio, often under very difficult circumstances.

Notwithstanding and regardless of whether they obtained gold for Australia or not, to my mind they are all champions and I am proud, as I am sure their families and friends are proud, that they competed for the glory of winning gold for their country. Well done to each and every one of them.

Dame Phyllis Frost Centre exhibition and performance

Ms PENNICUIK (Southern Metropolitan) — On 24 August I attended the Dame Phyllis Frost Centre to see *Expectant*, a performance and art exhibition by Somebody's Daughter Theatre Company. Somebody's Daughter Theatre Company works with women in prison and post-release marginalised youth to create quality theatre, arts and pathways back into education and the community. Ms Patten and Mr Wells in the other house also attended.

The evening commenced with a viewing of an art exhibition of paintings and sculptures, with many of the artists acting as guides. I was struck by the originality and great skill of the artists, who explore themes such as loneliness, isolation, powerlessness, hopelessness, loss of control but also hope, family and relationships.

The performance of *Expectant* was absolutely terrific — a mix of drama, comedy, musical and fantasy but also touching on serious themes such as homelessness, loss, domestic violence, life in prison, separation from family and friends and the difficulty of getting back on your feet post release, particularly in finding accommodation, an issue that I have recently been questioning the government about given the 25 per cent rise of women in prison in Victoria and the difficulty in finding post-release accommodation.

I would like to thank the commissioner for corrections, Jan Shuard, for inviting me and congratulate the staff and women at the Dame Phyllis Frost Centre on their fabulous exhibition and performance. I especially congratulate the artists and the cast and crew of the performance on a wonderful production.

Western Victoria Region infrastructure projects

Mr RAMSAY (Western Victoria) — It was with great pleasure that last week I attended a number of openings in the Golden Plains and Southern Grampians shires that I originally announced funding for when in government in 2014. The Smythesdale Business,

Health and Community Hub has been a great project for the town, adjoining The Well. It provides kitchen facilities, a multipurpose room to be used for yoga classes and community events, and interview and computer rooms that complement the current healthcare service and business needs of the community.

I also attended the opening of Dereel Hall after a \$1 million facelift. It has a new kitchen, a long overdue need for a community that was affected by a major fire which burnt 300 hectares in March 2013. As well as announcing the funding for the hall upgrade, I was also able to announce funding for the Dereel skate park upgrade, which was completed some weeks ago and is now a hub for children enjoying outdoor sport and exercise — so important in a time of high obesity and diabetes in rural areas. A men's shed also complements the amenity area around Dereel, but sadly the Dereel community is still waiting for a mobile telecommunication tower and mobile phone coverage, which is critical infrastructure given this is a high-risk fire-prone area.

The \$5.1 million runway extension of Hamilton Airport was another project funded by the previous Liberal government and South Grampians Shire. It now has a new north-south sealed runway extension of 1700 metres; new LED apron and runway lighting; a full emergency power supply generator; a precision approach path indicator system, which will allow for larger aircraft to land; and a fire-bombing base. The airport is a commercial and freight hub and the completion of this project will cement it as an economic, emergency service and transport hub for south-west Victoria.

Social enterprise sector

Mr MULINO (Eastern Victoria) — I would like to commend the work of the social enterprise sector. This sector trains, employs and assists many thousands of people. The businesses in this sector operate with goals above and beyond profit but they are structured to be self-sustaining. These broader goals can include assisting people with a disability, assisting people from an Indigenous background and achieving environmental outcomes. There are many thousands of social enterprises in Victoria, but the government is keen to develop a policy framework that can further assist this sector.

The minister responsible for driving the policy agenda in relation to social enterprises, the Minister for Industry and Employment, Wade Noonan, is currently conducting a range of community consultation workshops. Over the past two weeks workshops have

been held in Morwell, Bendigo, Ballarat, Wangaratta and Melbourne. The feedback from these workshops will be critical in developing government policy in this area, and I thank all participants in the workshops.

Employment

Mr MULINO — I would also like to very briefly note a critical aspect of economic performance in this state, and that is the fact that the employment performance is at a very high level. Since coming to office, under Labor 150 400 jobs have been created in this state, including over 110 000 full-time jobs. This compares with the under 100 000 jobs created over the entire coalition government's term, of which only 16 300 were full-time jobs. Of this total, 33 000 regional jobs have been created since November 2014. This is a critical aspect of the state's economic performance.

State Emergency Service Gippsland volunteers

Ms BATH (Eastern Victoria) — Recently I had the pleasure of formally speaking at a special celebration recognising the dedicated service of many Gippsland State Emergency Service (SES) volunteers. SES trains for and responds to incidents including floods, severe storms, earthquakes, road rescue, and search and rescue. They do this under the worst possible weather conditions and often in the dead of night, when most of us are tucked up in our homes.

Chief officer Trevor White presented service awards to members from the Erica, Foster, Leongatha, Inverloch, Morwell, Rosedale, San Remo, Warragul and Yarram units. Special mention goes to Geoffrey Crisp, Ken Gannan, Robert Aisbett and Lester Smith for 25 years of service. Rodney Legg, Wendy Shiels, Stuart Williams and Graham Bastin have donated 30 years to their communities, whilst Duncan McConnachie from Yarram received recognition for 35 years of service — an amazing commitment to his community.

Like the SES, Country Fire Authority (CFA) brigade dinners and medal presentations have traditionally been a bipartisan affair — until last week, when a government relations adviser banned CFA volunteers from inviting opposition MPs to speak at CFA events. The email says, and I quote:

... that whilst brigades are welcome to invite members of the opposition ... they are not able to have any official role. This includes making speeches at station openings, truck handovers, medal presentations, brigade dinners and the like.

It is ridiculous and disappointing that this government feels so threatened that it enters into such heavy-handed behaviour, and I have the email in front of me.

Korumburra Secondary College

Ms SHING (Eastern Victoria) — On 24 August it was my great pleasure to attend a Korumburra Secondary College leadership program meeting under the auspices of principal Abigail Graham to hear about the ideas which the students from Korumburra Secondary College prioritise — their values, what they stand for and how to work on developing and exercising their voices in the community — as they complete secondary school and look on towards their further journey, whether it is education or working in the community, what they hope to contribute and how they would like to make sure that they continue learning.

Sale Specialist School

Ms SHING — It was also a great pleasure on 24 August to attend the Sale Specialist School sod turning. It was a fantastic and long-awaited announcement. This is a community that has waited for more than 11 years to have a new school, which is currently spread over three campuses. Children have been bussed in, often for an hour and a half at a time, to get to school, with no areas to stretch their legs, to play, to roll a wheelchair around. Corridors are cramped, with no place for people to have multipurpose facilities. This new school in Sale will fix all of that, and I am proud to have been a part of it.

Onshore unconventional gas

Ms SHING — I was also proud to join the Premier and Minister Wade Noonan in Jumbunna in Gippsland yesterday to announce that we will permanently ban through legislation onshore unconventional gas. This is a long-awaited decision which actually builds on the work that we are doing to listen to communities and to make sure that we preserve agricultural markets now and for generations to come and that we listen to the communities who speak to us.

Onshore unconventional gas

Mr LEANE (Eastern Metropolitan) — Thank you, President. I am a bit tired this morning.

I just want to praise Daniel Andrews for his bold leadership yesterday in announcing a permanent ban on fracking in Victoria. As a member of the committee that investigated this particular issue, I was astounded and quite shocked when we had panels of farmers in

regional areas actually in tears about the potential of fracking being in this state and how that would affect their livelihoods as far as Victoria trading on its clean, green products. I was just amazed that the farmers told us that they were regularly meeting and amazed at the time they were spending on lobbying and working against this particular industry. This actually shocked me.

I welcome the outcome from the Premier, Wade Noonan and other ministers involved, including Lily D'Ambrosio and Jaala Pulford, who stood up for the regional areas. I congratulate them on a decision that I think will be welcomed worldwide. I want to thank other members of the committee. I think we did a very good thing and produced a great report, and I am glad it was listened to.

School breakfast clubs

Ms SYMES (Northern Victoria) — One of my favourite Labor government policies that really shows the difference in what we stand for versus the coalition is the school breakfast program that we are delivering to 500 Victorian primary schools in conjunction with Foodbank Victoria. School breakfast clubs provide a free breakfast to up to 25 000 children who are most in need, setting them up to concentrate and learn so they can reach their full potential.

Ms Bath interjected.

Ms SYMES — Much more than under you!

One in seven Victorian children arrives at school on an empty stomach, affecting their ability to concentrate and learn.

Last week I visited Shepparton with the Minister for Education to announce that from 2017 Victorian milk will be exclusively sourced from Pactum Dairy Group and provided to school breakfast programs around the state. The new deal will see the program supplied with around 400 000 litres of milk a year. This is good news for the 130 dairy farmers in the Murray-Goulburn region who supply Pactum Dairy.

In further good news for Shepparton, breakfast clubs will also include 80 tonnes of Australian-grown baked beans from SPC Ardmona in Shepparton each year. These are fantastic initiatives that help support local jobs and industry, and these developments have been warmly welcomed in my electorate. Thank you to Pactum Dairy and SPC Ardmona for helping to build this incredible program.

I visit many schools that are delivering the breakfast program and see some of the creative things they are doing with their ingredients. This is something that I am not too keen on, but at Broadford Primary School there is an emerging trend for dry Vita Brits with jam or Vegemite. They were a little bit confused about what to do with their oats and were excited to learn that I had heard of other schools using their oats in smoothies, and it was my pleasure to donate a blender to that school last week so they can explore some smoothie recipes in the future.

RULINGS BY THE CHAIR

Member conduct

The PRESIDENT — Order! I have had referred to me by Mr Finn as Acting President an issue that arose in the house last sitting week in respect of a number of points of order. I have looked through the entire session regarding reports, and based on the information that I have and from having watched the video it is my view that, by and large, Mr Finn acted appropriately as Acting President. The matter that he referred to me in fact was at the urging of Mr Dalidakis. The key matter that Mr Dalidakis was concerned about was a point of order made by a member suggesting that Mr Dalidakis was essentially behaving in an intimidatory or bullying manner to one of the female members of the opposition who was speaking at the time.

In the context of what I saw on the video I do not believe that Mr Dalidakis's behaviour was over the top at all, and I do not believe that it really constituted bullying or intimidation on that occasion. I do not think there was any matter for which he would need to answer. He was concerned not with the way Mr Finn as Chair handled it but simply that the allegation was likely to stand because it was not actually ruled upon as such.

As I said, in the context of what I saw I thought Mr Finn's chairmanship was fair enough, although I would say that there were a couple of side remarks he made, one of them referring to the Queen, which I thought were unnecessary for the Chair on that occasion but which certainly did not offend the matter that Mr Dalidakis had raised.

As I have said on a number of occasions, I am keen to ensure that all members in this place are respectful of each other. There is a lot of discussion at the moment in the community and in this building about bullying and intimidation of people. We very often do not understand the experiences that different people have and the matters that they deal with in their lives from

time to time and therefore do not always appreciate just how hurtful some comments can be. I think that it is very important that we conduct ourselves very professionally and with respect for every person in the chamber — and that includes interjections. As we know, interjections are unparliamentary, and certainly whilst they might seem funny at the time, one needs to be very careful because sometimes the invective that is involved in those remarks can have much broader implications.

PARLIAMENTARY COMMITTEES

Membership

The PRESIDENT — Order! I indicate to the house that the motion Ms Pulford moved by leave this morning actually contained a clerical error, with Mr Eideh being appointed to the wrong committee.

Mr Davis — He will be turning up at the wrong site.

The PRESIDENT — Order! I am sure he would have done a marvellous job, but it would have offended our standing orders. What I am seeking to do, and I understand the opposition has been apprised of this, is ask Ms Pulford to now rescind the motion that was passed in the by-leave process and to move a replacement motion which puts Mr Eideh in the right place.

Ms PULFORD (Minister for Agriculture) — Thank you, President, at the risk of being accused of tedious repetition, and thank you for your assistance on this matter. By leave, I move, pursuant to standing order 7.07:

That the resolution appointing certain members to standing committees today be read and rescinded.

Motion agreed to.

Ms PULFORD (Minister for Agriculture) — By leave, I move, for the benefit of Mr Eideh and all committee members:

That —

- (1) Ms Tierney be discharged from the Standing Committee on Environment and Planning;
- (2) Mr Eideh be appointed to the Standing Committee on Environment and Planning;
- (3) Mr Somyurek be —
 - (a) discharged from the Standing Committee on Environment and Planning; and

- (b) appointed to the Standing Committee on Legal and Social Issues;

(4) Mr Melhem be —

- (a) discharged from the Standing Committee on Legal and Social Issues; and
- (b) appointed to the Standing Committee on Environment and Planning.

I certainly hope this is the last we hear of this matter today.

Motion agreed to.

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

Ms WOOLDRIDGE (Eastern Metropolitan) — I am very saddened that once again we return to a motion to try to compel the government to do what they should do and what they are required to do under the Victorian constitution. Therefore 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, 31 August 2016, at 6.45 p.m. or, at the latest, on Thursday, 1 September 2016, at 4.45 p.m.

This is ground that we covered extensively last sitting week. The President has had a number of things to say about the matter as well. At its heart this is about the contempt with which the Labor government is treating this Parliament, but more importantly the 500 000 people of northern Victoria, by denying what should be a straightforward process reflecting our constitution and standing orders to have a joint sitting to appoint a member who has been rightfully chosen by their party to fill a vacancy created by the resignation of Mr Damian Drum.

Here we are again seeking to compel the government to do what is right and what they should be doing. I will not spend a lot of time on this, because much of it is already on the record, but I do want to reiterate the key points. First of all, this was a process that the former Labor government introduced to reflect and utilise in this chamber the processes that had been exercised in the Senate for many years with regard to the replacement of a member when there is a vacancy. There have been eight vacancies filled since this process was introduced as a result of the changes to the constitution that came into effect in 2006. Those vacancies were filled by Ms Jennifer Huppert; Mr Nathan Murphy; Mr Cesar Melhem, who still

enjoys membership of this house; Ms Amanda Millar; Mr Andrew Ronalds; Mr Danny O'Brien; Ms Margaret Lewis; and Ms Melina Bath, who is also still a member in this chamber.

Each and every time the processes that were outlined and anticipated in the debate on the change to the Constitution Act 1975 occurred in a straightforward manner, as expected. Whether it was Labor or Liberal, these processes happened at the earliest possible opportunity to put forward the person so that they could in the most simple way take their place as a member of Parliament.

What we are seeing here is a government that is absolutely ignoring the conventions of the house, but most of all trashing what is outlined in the constitution. Now, do not take it from me, but I do want to place on record the debate that happened back in 2003. Mr Lenders led this process and had very strong things to say, and I quote from *Hansard* of 27 March 2003. Mr Philip Davis was questioning Mr Lenders at the time and asked:

... I am interested to know what he would perceive as the time frame. What is a reasonable time frame for there to be a joint sitting to fill a vacancy?

Mr Lenders replied — and he was actually talking about a hypothetical Liberal Party vacancy — and I quote:

... I would envisage that whatever was a reasonable time for the Liberal Party to call into place its policy assembly, or whatever else does its preselections, then a joint sitting would be held on the first meeting of the Parliament after that.

That is an absolutely fundamental tenet of the expectations of the then Labor government about how this should be immediately undertaken. There was actually quite a bit of debate around this issue, and Mr Davis sought further assurance in relation to this matter, asking:

... is it not possible that where the balance of numbers in the chamber is critical the government of the day could refuse to convene a joint sitting?

Mr Lenders outright rejected that statement, saying that:

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

There we have it. The intention in relation to this legislation was absolutely clear. In fact Mr Davis anticipated and questioned Mr Lenders in relation to this exact situation. The very clear message from the then Labor Leader of the Government, Mr Lenders, highly respected in his party, was unequivocal. He was

very clear in terms of the expectation of how that would be dealt with.

I think it is reasonable to say, President, that you have been very clear on this matter. Just in the last sitting week you said very clearly, and I quote:

I do not believe that it is appropriate that the appointment of new member to the Parliament ought to become a political football in respect of other matters that might be before the Parliament.

That is effectively what this Labor government is doing — tying a political agenda in to what is actually a fundamental process and a part of our constitution in terms of replacing a minister. The President went on to say:

Can I indicate that there is absolutely no connection — no connection — with the suspension of the Leader of the Government from this house.

He also said:

It is not an issue that the nomination of this prospective member relies on a motion initiated by the Leader of the Government. Indeed anyone could put that motion to the house.

So what we have clearly laid out here are grubby, partisan politics, playing with our constitution, which this Labor government is currently undertaking in relation to Mr Luke O'Sullivan being sworn in as a member of this place to replace Damian Drum and the vacancy that he has left. As I have said, in trying to justify — and I have got to say there is very little support for it — and in trying to spin a justification for this position the government has taken, it has sought to connect two unconnected issues, and they are the joint sitting and the current suspension from the house of the Leader of the Government.

As I have said, President, you have made it very clear, and it is certainly the position that we take as well, that there is no connection between the issues. In fact even though there is no connection, as I laid out yesterday in my members statement, there had been some very significant progress in relation to resolving the issue of the suspension of the Leader of the Government. In that respect, given that the documents had not been provided and given that the government is not prepared to engage in the process outlined in our standing orders, the solution lies in negotiating a new process for an independent arbiter to assess government documents claimed to have executive privilege.

Unfortunately that process of negotiation was abruptly halted by the government three weeks ago. Interestingly, it was just after my members statement

yesterday afternoon that I did finally hear back from the Leader of the Government that there may be a step forward that we can re-engage in, but what is very clear is that there is not a lot of support within the Labor Party to resolve these issues. I certainly encourage those opposite to engage in a process that will mean we can resolve a genuine documents process that allows an independent arbiter to assess the documents and allows the Leader of the Government to then return to the house if that process can — and I believe it can — be resolved.

Our point is very clear: these issues are not connected. There is a pathway forward; there are mechanisms for that to happen on the issue of the suspension of the Leader of the Government, but they are not connected. The joint sitting at its heart is a constitutional issue. Through the second-reading debate the expectations of the government at the time about how this process would be undertaken have been very clearly laid out. In direct questioning in relation to the political motives of the government at the time they were flatly rejected by the Leader of the Government.

There is also a bit of an irony of course, because in her contribution just last sitting week the Deputy Leader of the Government, Ms Pulford, in speaking to a motion very similar to this one, talked about the traditions of this place. She said, and I quote:

... I think it is incumbent upon all of us to take a better approach and a more responsible approach.

Ms Pulford, I would say to you it is time to put your money where your mouth is. If you genuinely believe that we need to take a more responsible approach, then I would put to you that the most responsible approach you can take is to uphold our constitution and uphold the conventions of this house in relation to a joint sitting, which have applied equally to Labor members and to Liberal members in the past and will of course apply to Labor, Liberal, Greens and crossbench members in the future. We want confidence that the replacement of a vacancy will not be the political football that the Labor Party has made this issue into. We want confidence that the process outlined in our constitution can actually be upheld and relied upon.

The interesting thing is that when it came to putting the motion, the Labor Party squibbed it. They did not divide; they let that motion through. In effect, despite crocodile tears about processes and things being unfair and the flagrant disregard of these issues, they actually squibbed it on the motion and let it through, and they let their lower house colleagues be the ones who voted against it. So we have got support, with a motion going through this house, despite words; we have got

members voting against it in the lower house to reject undertaking that joint sitting. I would say to those opposite: if you do not believe this joint sitting should happen, then vote against this motion. I challenge you to do that — take a stand. Do not be jellybacked, and make sure that you do not try to have a bob ways in the process. We would of course say that this motion deserves support, not only here but in the lower house, so that the joint sitting can go ahead.

I will finish there, where I started. This is about the contempt with which the Labor government is treating this Parliament and the 500 000 voters of northern Victoria. This is a matter that, not in an uncommon process, this government have actually ended up in the courts on as well because of that contempt with which they are treating those voters. That will be further pursued, I am sure, particularly by the National Party, but supported by the coalition, and I am sure the government will seek to defend that vigorously. But the fact is that these issues can be solved; they can be solved now. A joint sitting can be held this week. We can uphold the constitution, and we can make sure that the new member for Northern Victoria Region is in this place, as he should be, representing his constituents and undertaking the work that he has been selected to do. So I certainly encourage everyone to support this motion, but if you are going to support this motion for the Labor Party, make sure you can back it up with the support of your colleagues in the lower house and not have a very soft but contrasting view between the chambers. I commend this motion to the house and certainly hope that we have the opportunity to have the joint sitting this week so that Luke O'Sullivan can become a member and represent his constituents.

Mr BARBER (Northern Metropolitan) — The Greens will support the motion. This is the second time that Ms Wooldridge has moved this motion, but the government should be under no illusions: there is nothing routine or tokenistic about the moving of this motion. The majority of members in this house are deadly serious when they argue that what the government is doing here is unconstitutional and in fact is a major hit at the invisible glue that appears between the written bits of our constitution — in this case, section 27A of the Constitution Act 1975, which says:

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 invisible, unwritten part of this is that that ought to be happening at the earliest available opportunity. Those express words may not be there, but when you think about the necessity of propriety in our

constitutional system, not every single piece of required behaviour is written down to that degree of detail.

There are many, many unwritten parts of our constitution in the form of codes of behaviour that, through their practice, have in fact developed over time into constitutional conventions. They may not be legally enforceable, but they are nevertheless essential for us to be able to get on and do the job we have been elected to do.

So it is with increasing stridency that the majority of people in this chamber intend to keep pushing on this issue. In fact the longer the government sticks with its position, the more damage it is doing to these important principles. For that matter, you would not have to look too far ahead into the future to imagine another government of any particular flavour using this particular set of circumstances to mount their own case down the line that another member from another party ought to be excluded from taking up their seat because of some reason — whatever it is — that that government at the time thinks they can justify.

The government, of course, are going to stand up and openly state that this is tit for tat, that this is revenge for the completely lawful suspension of the Leader of the Government from this chamber. It was lawful, it was appropriate in relation to the standing orders and it came at the end of a very long process of many, many motions with many, many opportunities for the government to comply with the request for documents. It is something that happened more than 10 years ago in New South Wales in their Parliament, the result being that the powers vis-a-vis the executive and the Parliament itself were clarified.

The government is going to really struggle to make a case that somehow the Legislative Council has gone rogue. The government has clearly gone rogue in relation to this provision in the constitution, and one has to wonder, with the amount of problems they have got at the moment, why they are making more for themselves. One has to wonder who they think the audience for this particular message is. Without a doubt there would not be 1 in 10 000 people out there who actually even know that a member is being prevented from taking up his seat. There would probably not be 100 people in Victoria who could explain the section of the constitution and how it is that the government has chosen this course, but nevertheless it goes straight to the heart of the small amounts of guidance we are given in the constitution — the instruction manual, if you like, for our entire democracy. It goes straight to the heart of it. It shapes the foundation. It threatens to do long-term damage to the nature of our democracy, and I

am absolutely struggling to understand what profit the government seeks.

I have written to the Premier asking for a meeting to discuss this issue.

Mr Finn — He is a bit busy at the moment.

Mr BARBER — I have not requested any meetings with the Premier in the last two years. In fact the last time I had a conversation with the Premier was at Dame Elisabeth Murdoch's memorial, if you can remember back that far, and all we did was discuss what our kids were learning at school. But I treat this matter most seriously, and I am really expecting a response from the Premier. I understand that his leaders and deputy leaders have embarked on a particular course.

It could be, as Mr Finn says, that the Premier is simply dealing with so many other spinning plates that section 27A of the constitution did not really make it all the way into his morning briefing, but nevertheless he, like all of us, has a responsibility to leave the system of government not just intact but ideally even in a better state than he inherited it. There are a number of measures that relate to transparency, probity, governance and so forth that he is moving steadily through the Parliament, most of which will receive the support of the Greens. There is a raft of other areas where he does not have a program of action, but with this one he is certainly undoing all of his good work because he is effectively lighting the fuse on a time bomb that could go off any time in the future, anywhere down the track.

As we know with these things, one instance of bad behaviour very quickly gets used as a precedent for another and a degrading kind of set of precedents roll one into another. For all its broad community support, the democracy is always hanging by a kind of thread that is made simply out of good intentions. Anyone who might like to turn their mind to the issues here will understand that this cannot just simply be another bit of political cut and thrust, another trading card in the big game, another bit of externalising of his own internal pressures.

This is one of the most serious and weighty sections of our constitution. It is the reason why in fact the houses have to act jointly in order to effect this. In itself, by its nature, it is built in as a check and balance on misbehaviour, but unfortunately it is being degraded in the process. That is a most serious matter that we intend to continue to apply pressure to. In fact the pressure will

be ramped up as the weeks go by if the government continues in this course of action.

Ms PULFORD (Minister for Agriculture) — As previous members have indicated, this is canvassing some ground that we have debated in this place on a couple of other occasions. There were a couple of interesting nuances from Ms Wooldridge and Mr Barber when compared with the last sitting week. Mr Barber talked for the first time ever I think about good intentions. Ms Wooldridge talked about a solution lying in the negotiated process and a way forward. I would like to think that these things represent something slightly more nuanced than from, ‘You’ll give us whatever we want, even if it is commercial-in-confidence and cabinet-in-confidence, and hang the consequences’. I will take those comments at face value and look forward to that sensible dialogue about these matters with the opposition that we have been seeking for some time.

A joint sitting in the Parliament is of course an important occasion. Custom, practice and convention — all of these things — dictate in this house that it is the Leader of the Government that moves this motion. We think that a joint sitting of the house is something that the Leader of the Government in this place should be able to attend, and we have stated this here and in other places over recent weeks. This is what we believe should happen, and I can certainly assure Ms Wooldridge that Mr Jennings will move this upon his return to this place.

As Mr Barber and Ms Wooldridge know, and I think all members in this house know, there is majority support for this proposition in the house today. The Greens, the Liberals and The Nationals have had an absolute unity ticket on the suspension of the Leader of the Government for a very, very long time now. Mr Jennings has been suspended for an extraordinary six months for discharging his duties as a member of the executive. I note that Mr Barber referred to some similar experience in New South Wales 10 years ago, where such an extraordinary punishment was meted out for someone because opposition parties simply disagreed with the assertion that the government and ministers have a responsibility to act in the best interests of the state. As we have reflected on on many other occasions before, six months is an extraordinary period of suspension.

Ms Wooldridge likes to come in here and quote John Lenders to us. John Lenders was suspended from this place for a day. That occasion was extraordinary enough, but six months is quite remarkable, so Mr Jennings’s constituents are denied their

representation in this house, members in this place are unable to ask him questions in question time and his legislation sits on the notice paper.

We remain ready to engage in constructive dialogue about all of these issues, as the opposition knows. Indeed the government has offered this week to brief the opposition on legal advice it has received about the correspondence Ms Wooldridge has referred to today and in the similar debate in this place in the last sitting week. We were happy for this to occur this week. The opposition have indicated that they would prefer for this to occur next week.

I have said it before and I will say it again: we will not cop this extraordinary, breathtaking hypocrisy from the opposition on this matter. We bear Mr O’Sullivan no ill will, and I am quite sure that he will make a fine contribution in this place as The Nationals selected representative for Northern Victoria Region.

If I could perhaps borrow from some language Ms Wooldridge used earlier this morning, this is about the contempt in which the Liberals, the Greens and The Nationals hold the voters of the South Eastern Metropolitan Region and then the extraordinary manner in which they seek to hold this government and Mr Jennings to a standard that they would never hold themselves to — never have and never will. Ms Wooldridge has been a member of the executive, and she knows full well the responsibilities that ministers have for the interests of the state.

Mr Barber has a different view. Mr Barber’s view on this is: every document, every Parliament, every time. That is a view that Mr Barber has asserted, and I think it has been fairly consistently his approach over three parliaments. But Ms Wooldridge has been a member of the executive and I would like to imagine might see these things from a slightly different perspective.

Ms Wooldridge interjected.

The ACTING PRESIDENT (Mr Melhem) — Order! Ms Wooldridge has made her contribution, so can she keep it down, please.

Ms PULFORD — The government will be providing that briefing to the opposition next week, as they preferred it not to occur this week. If indeed there is some desire by the opposition to engage in a sensible discussion about these matters, we look forward to those discussions.

Ms BATH (Eastern Victoria) — The National Party has been in existence as a political entity for 100 years this year. Whether you agree with our politics or not,

you cannot dispute the fact that we have represented our constituents — rural and regional people — for 100 years. We have been the voice of the bush. At the moment there is one voice that is silent in here and is not being able to represent the people of Northern Victoria Region, and this is an indictment of the Labor government.

I would like to endorse Ms Wooldridge's motion 314, which is on the notice paper today and which states that there should be a joint sitting as soon as possible to elect and endorse Mr Luke O'Sullivan. I take note of and agree with Mr Barber's sentiments in relation to this issue. We have heard from Ms Wooldridge about the statements by Mr Lenders, who was Leader of the Government, back in 2003. I would like to quote from a different section of the debate on the Constitution (Parliamentary Reform) Bill in 2003 to highlight some of this hypocrisy. On 25 March 2003 Mr Lenders said:

This bill meets the commitment of this government to create a modern parliamentary democracy by improving our constitution as recommended by the constitution commission. This means introducing new rules to make Parliament more accountable; transforming the Legislative Council into a more effective house of review; and further improving transparency in government.

They are fine words. The next part is on page 425 of *Hansard* of that day. Mr Lenders said:

This bill has taken us the next step towards creating a stronger, fairer democracy, which is both relevant to the needs and demands of all Victorians in this new century.

Well, I support Mr Lenders's point of view. It is a pity that our current government does not support it. They do not take into consideration the section that those amendments inserted into the constitution, which is section 27. I have heard Mr Barber comment on this, but I would like to put on the record that the Victorian constitution states:

The state of Victoria is to be divided into 8 regions each of which is to return 5 members to the Council.

Section 27A of the Constitution Act 1975 states that:

... if a casual vacancy occurs ... a person must be chosen to occupy the vacant seat by a joint sitting of the Council and the Assembly.

Well, that is what we are waiting for. That is what the expectation is. That is what the constitution says should occur, and Labor is chucking what I would call a dummy spit. We should have 40 members sworn in; we now have 39. I entered this place to fill a casual vacancy when Mr O'Brien went to the lower house, and indeed Mr Melhem entered this house in a similar way. We enjoy all the luxuries and resources — —

Honourable members interjecting.

Ms BATH — I have just moved office, and it is a very nice office. But we receive all the resources that we need to conduct business in our electorates for our constituents, and Mr Luke O'Sullivan has been denied that courtesy. When he was preselected he filled the vacancy, through due process, left by Mr Damian Drum moving to the federal sphere. The Nationals director wrote to Parliament informing this institution that Mr O'Sullivan was our endorsed nominee. Again, all due process was followed. I just feel that this is an absolute disgrace, and we are seeing an unprecedented tantrum happening here. Mr O'Sullivan has had to resort to taking the Premier to the Supreme Court to take up his rightful position. Mr Luke O'Sullivan versus the Andrews Labor government — what a way to not enter Parliament at this stage! It is an indictment.

The President has taken a similar position with his statements on this issue. This issue bears no comparison to the situation of Mr Jennings, who is able to execute all of his duties on behalf of his electorate fully resourced. Only his entry into this chamber is barred, and this can be remedied by the production of documents that should be in the public domain. A complete process was adhered to and voted on for that situation to occur. At any time Mr Jennings can return to this place if he produces documents. The issues relating to Mr Jennings have nothing to do with the electorate and the voters of Northern Victoria Region. The issues pertaining to Mr Jennings are a separate matter and should be worked out in isolation through consultation with Ms Wooldridge and the coalition. Mr Jennings is still a member for South Eastern Metropolitan Region. He has his office, he has the resources to represent his constituents, and as a minister he still has his chauffeur to drive his car.

Mr O'Sullivan has access to none of these. He duly resigned this previous position when he learnt of his success, and he is now in the twilight zone. He cannot establish an electorate office or employ staff to support him advocating for people in Northern Victoria Region. He does not have a car; he cannot even have an email address or a phone or a key to a parliamentary office. He has no resources at all. Entering Parliament as a new MP should be one of the most special moments in one's career. If we think back to the time when we entered Parliament and made our inaugural speech, it was a special time. Often we had family and friends around us. This is being denied Mr O'Sullivan, and at the moment I cannot see when it is going to happen, but I hope that the Labor government comes to its senses and elects him via a joint sitting.

In concluding, I endorse the motion entirely. I endorse Ms Wooldridge's contribution and acknowledge Mr Barber's contribution. The joint sitting should be an occurrence as a matter of principle.

Motion agreed to.

Ordered that message be sent to Assembly informing them of resolution.

LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2016

Mr DAVIS (Southern Metropolitan) — I move:

That clause 38 of the Local Government (Electoral) Regulations 2016 be disallowed.

This is a very simple motion in essence. It is a motion that I think is important, and it is a motion that has a long history. We are obviously heading towards council elections in this state in the period ahead. The October elections are looming. The government, as members will remember, has renewed the regulations with respect to local government elections. These were renewed as part of the normal 10-year review process and a number of relatively minor and largely unexceptional changes were made. The opposition does not quibble with most of those changes. However, the purpose of the review of the regulations — the longer term review process of regulations and the requirement to remake regulations — is that they are re-examined and examined closely for the net public benefit of those regulations.

In the case of this tranche of local government regulations, it is very clear that there is at least one part that is not in the interests of the community, and that is clause 38 of the Local Government (Electoral) Regulations 2016. That clause relates directly to the insertion of how-to-vote cards in electoral packs. Let me explain to members in the chamber and in effect to the community what precisely I am talking about here. Some councils in this state continue with the practice of attendance elections, and there are advantages and disadvantages in that model. Other councils have a system where the elections are conducted by postal ballot, and that system has advantages and disadvantages.

In the system of the postal ballot, what occurs is that first candidates nominate. I welcome some of the steps that the government has taken — largely following the process behind the work of Petro Georgiou and his committee — to tighten up the nomination process for council candidates. I think that is to the benefit of everyone. Once the nominations are in, there is a

process whereby candidates can submit material to the electoral authorities for inclusion in the how-to-vote pack. The how-to-vote pack consists of the actual voting slips and the return arrangements. It also contains candidate biographies. I will make the point that candidate biographies have been increased in size in the new arrangements. Again, we have no quibble about them increasing from 150 words to 200 words. We have no argument with that increased capacity for candidates to provide information to voters.

Over recent times, how-to-vote cards have also been inserted in the how-to-vote packs. How-to-vote cards obviously perform one function. Unfortunately what has occurred over time is that a greater number of these how-to-vote cards have become a feature of these packs. Effectively what has begun to occur is that a larger number of candidates are standing, some more serious and determined to get elected than others. It is not my proposal today, I might add, to go through the history of individual cases, although I could do that because some of them are well known. I think it is sufficient today to say, that in a number of cases very large numbers of dummy or stooge candidates have been selected to run. They have all preferenced one or two individuals with the purpose of harvesting preference votes for the purpose of electing — how can I describe it — a lead candidate.

It is clear that there is nothing illegal about the practice in itself. You have got people standing and preferencing others, and that is entirely in order. But what I think the inclusion of how-to-vote cards does in effect is facilitate having a number of these dummy candidates and make it easier for dummy candidates to be recruited en masse and be put in place. Again, it is not my purpose today to run across the history of this in a detailed way to point at this candidate or that candidate or that councillor or another councillor who has been elected here or there around the countryside.

A number of councillors have pointed to this issue and have pointed to the challenge that these matters present. I understand the arguments that are put by some — that this is additional information for voters to assist them in making a decision. On one level that is true, but where this comes undone is where there is systemic collection of candidates and an operation that is run in a particular ward, in an unsubdivided municipality or in a larger multimember ward, where there is a tranche. If I could perhaps indicate that once upon a time many years ago, to indicate that there is nothing new in dummy candidates running, I remember running in the seat of Niddrie. The local journalist rang me up and he said, 'Are you aware' — and I will not name the person — 'that X person is running for council and has 22 dummy

candidates running to support them?'. He said to me, 'Is that a world record?'. I said, 'Look, I'm not prepared to say it's a world record, but this is some sort of record'. The point I am making there — —

Mr Barber — A record for Niddrie.

Mr DAVIS — It was not Niddrie; it was a council before amalgamation. My point in pointing to that is that there is a long history of candidates running with so-called 'stooge' or 'dummy' candidates. I am not pretending this is new, but I am indicating that the inclusion of how-to-vote cards in the voting pack does facilitate and make it incredibly easy for candidates who themselves do not actually intend to get elected to put their forms in, to put their how-to-vote cards in and to direct a chunk of preferences to a fellow candidate — and that is the actual purpose for which the candidate is running.

I note — and I want to put this on the record — that the Victorian Local Governance Association and the Municipal Association of Victoria do not support this motion that I have moved today. I understand that, because they are comprised of councillors from around the state in significant measure and they obviously have councillors amongst their numbers who have a significant interest in seeing the current system continued. I am not judging them for that; I am just simply — —

Mr Mulino — And the timing.

Mr DAVIS — I will come to the timing in a moment.

Mr Mulino interjected.

Mr DAVIS — Since you raise it now, I will deal with it right now. The truth is — —

Mr Barber interjected.

Mr DAVIS — No, I take up the interjection on timing. It is a matter that I was intending to cover a little later in my contribution, but I will cover it now. Mr Mulino raised a point about timing, and it is a legitimate question. I am not in any way ducking that. I intended to cover it later, but I will cover it now. The point to be made about timing is this: the remake of the regulations and the timing of that remake were not of the opposition's choosing or indeed of the current government's choosing. It fell when it fell. That 10-year cycle on remaking the regulations was such that in fact the regulations were tabled in this chamber on Tuesday of the last sitting week. That is a fact. So the first opportunity the opposition had to move this motion was

today. We have acted as quickly as we could, conscious of the fact that council elections are near.

We want to be quite clear with the community that if this set of regulations had been remade earlier and the capacity to table it had been earlier and the ability to bring this particular motion had occurred earlier, we would have done so, but that is not the case. It was tabled last sitting Tuesday, and this Wednesday is the first opportunity for the opposition to indicate its view on the new regulations and on this particular matter. We have spoken publicly about it before, but that is different from actual parliamentary procedure, which could not have been taken before today.

I understand that there are some candidates for council around the countryside who will be out busily organising stooges. That is a fact. There will be an army of dummy candidates massing ahead of October's council elections. But that is not a reason not to amend the regulations in a way that is to the democratic advantage of the community. The fact is that the inclusion of how-to-vote cards in the postal pack facilitates dummy candidates. It does. The fact is that the exclusion of how-to-vote cards from the postal pack will not facilitate dummy candidates. It will make it harder for those who would employ an army of dummies and stooges for election to council. They will find it more difficult. That is the simple fact, and that is what is driving the opposition here.

If Mr Mulino's point about timing is 'Would we all have preferred it to occur earlier?', then the answer is yes. But we are where we are. The regulations were made when they were made. The document was tabled when it was tabled, and I moved this motion on the very first sitting day that I could possibly move it after the relevant regulations were tabled.

As I said, it is a fact that local government organisations by and large do not support this position, and they do not support it for a range of reasons. A number of them see the system as it is. They are used to the system, they feel comfortable with the system and they are able to get elected in that process. The question is: what do the community think? The community have a very mixed view about local government, and we have heard this state government over recent periods attacking local government with great regularity. That does nothing to bring the standing of local government up. In fact it depresses the standing of local government across the state. But the presence of schools of dummies, an army of dummy candidates marching towards the council elections, will not lift — —

Ms Patten interjected.

Mr DAVIS — A member for Northern Metropolitan Region interjects there. It is a little bit like the images that you get when you watch *Star Wars* or one of those movies with a series of drones or robots coming forward. They are not actually thinking creatures. I see Ms Patten can see what I am saying here, and it is actually the person that is directing those dummies, those soldiers of sorts, that I am interested in seeing face a proper democratic process. If such individuals are elected fair and square, well fair and square it is, but if they are elected through the use of an army or scores of dummies, I do not think that is fair and square and I do not think that is what the community wants. I think the community would be happy to think that local people get elected to council to represent their community, to put in place the right outcomes for their local community and to put in place a result that is in their community's best interests.

Now I want to put in some notes here about the local government review that was conducted under the previous government. It was I think a useful review. Monash City Council put in a point about dummy candidates:

We believe that the issue of dummy candidates is overstated and that voters are discerning enough to choose between candidates and, in most cases, elect those candidates who campaign most effectively ...

We consider that any issue around 'dummy' candidates is more of an issue of perception.

I actually do not agree with that point. I do not agree with that point at all. I think it is much broader than that, and when the community gets a pack that comes through the mail with 40 candidates in the pack and 40 how-to-vote cards and they spread them all out on the kitchen table with a cup of tea or coffee and seek to wade through them, it is not that easy. I think the community will have a different view if there is that large number of how-to-vote cards and large amount of information in the pack and a number of them are not from 'real' candidates, if I can put parentheses around that word, but are for candidates that have an ulterior motive.

Petro Georgiou conducted a review and there were a number of key points in it, but one of them that was considered was around the issue of dummy candidates. I am going to read some quotes to you from submissions that were made, and there are a number of key points that I would say here. Elizabeth Jeffrey said in a submission to that review:

I also think that our system is being abused by allowing too many dummy candidates; candidates should be genuine.

Some said the nomination process should be more onerous, and I have already said the government has made a step there that is welcome.

It is too easy —

said Cr Kirwan from Greater Dandenong City Council —

for a dummy candidate to nominate by just turning up one day.

Leanne Raditsas said:

I see the issue of 'dummy' candidates as a real threat to the integrity and reliability of the institution of local government. If we can't be confident that every one of the 26 candidates standing is completely and genuinely putting themselves forward as an honest and committed contender, then I would deem the system to be deficient and fundamentally flawed.

Joe Lenzo said:

Candidates should be required to provide statutory declarations that they were 'legitimate' candidates.

I am not quite sure how that would work, but I understand the sentiment behind it. He continued:

This would stop all but the most unethical and morally corrupt candidates from serving as 'dummy' candidates.

Judith Brooks from the Barwon Heads Association said:

It does make a mockery of something that is already cynical in the minds of people. It is a perfect display of what needs to change.

And she goes on to talk about these points.

Peter Cole at a Wantirna South public hearing said:

... I think there needs to be some sort of law to get rid of these dummy candidates. I don't know how to do that, but that's my opinion.

And I think that is right.

The Victorian Local Governance Association in its submission conceded:

The idea that 'dummy candidates' were particularly prevalent in the 2012 elections was pervasive.

Ms Dunn — Yes, and I was president then.

Mr DAVIS — You were president at that time, Ms Dunn? I will leave that to you, but I think it is true that is what people believe. I do think it depresses the standing of local government, and that is unhelpful in and of itself.

Georgiou's panel said:

... if candidates meet the eligibility criteria, they should be entitled to stand.

I agree with that.

It continued:

The panel also considered, however, that it is not desirable for the election result to be impacted by the running of dummy candidates. A widespread perception that the practice is extensive undermines confidence in the local government electoral process.

I think Petro Georgiou's committee is correct on that. It went on:

The panel's proposed reforms to strengthen eligibility criteria and give voters the information they need to cast an informed vote may also be expected to reduce concern about dummy candidates.

It went through a number of points and then said:

In addition, the panel proposed a further measure. The panel has clearly strengthened the amount of information on candidates available through the postal pack, in the interest of enabling voters to make a better informed choice between candidates. The panel, however, believes that the publication of candidate how-to-vote recommendations does not enhance voter ability in this respect, but is a major inducement to dummy candidates standing purely as a mechanism for siphoning preferences.

That is actually what we are talking about, and I think that gets it very clearly.

Geoff Goode from the Proportional Representation Society of Australia, who I know well and have a high level of regard for, said:

... the proliferation of dummy candidates is assisted and contributed to by two aspects of the arrangements in Victoria. One, in our view, is the distribution by the returning officer of candidates' how-to-vote recommendations. This doesn't apply in ... surrounding jurisdictions.

John Watson at Brimbank said:

Turning to candidates' information, in postal elections the opportunity to provide a photo, 150 words and your preferences is essentially a free kick to what you might describe as a lazy or so-called dummy candidate. An option would be not to allow that to be included in the election pack that is sent to the voter ...

I think it is going too far to take out the candidate information, but I do think the actual how-to-vote cards are the key.

It is suggested that candidate preferences not be included in the ballot pack, which may deter ballots being stacked with 'dummy candidates'.

That was the Bayside City Council submission. I have recently spoken to a number of Bayside councillors about this. I note that the Bayside council submission states:

The panel believes that communication of preferences should be a matter for candidates to pursue through their own campaign efforts. The panel recognised that this approach may create more work for some candidates, but is important to removing incentives for running dummy candidates.

I think that is actually the essence of it. Nobody would want to prevent people having the right of free speech and the democratic right to advocate for a particular preference direction. Under this proposal to remove that particular clause candidates are able to put matters on the internet, advertise and put dodgers into letterboxes to tell people what issues they think are important, who they are and also who they think people ought to preference in a particular ward, a multimember ward or an unsubdivided municipality.

Ian Farrow went further in the submission, stating:

Dummy candidates are empowered by full preferential voting and the ability to publish how-to-vote information in the postal vote material circulated to eligible voters. The incentives to run dummy candidates would be considered reduced if the voting system was optional preferential and candidates were unable to include how-to-vote information with the circulated postal vote material.

There is a whole separate argument about non-exhaustive or exhaustive preferential voting. I will leave that to one side at this point; it is a separate matter for discussion. However, I think Mr Farrow points correctly to a number of key points, and I agree with the points he has made.

The City of Boroondara made a number of points on this. Its revised council meeting agenda states:

The issue of 'dummy' candidates was raised with the inspectorate by a number of candidates following the 2012 elections.

Many candidates for council actually consider this process unfair in itself. They might be running on a legitimate concern in their area and then they confront a barrage, a veritable army, of dummies running against them. They do not feel that that is stacked in a fair way, and I think they do have a point.

The City of Boroondara revised council meeting agenda states also:

There is no legislative prohibition against the use by candidates of employing 'dummy' candidates to disperse the vote and gain directed preferences ...

This issue to some extent exists at all levels of government and in all jurisdictions. A number of options to mitigate the risk of large fields of ‘dummy’ candidates have been posited by different commentators, peak bodies and representative groups. These proposals have included:

replacing unsubdivided municipalities and multimember wards with single ward structures to reduce candidate numbers for any given contest;

replacing postal voting with attendance voting on the grounds that this would increase the threshold effort required to participate (assuming only genuine candidates would invest the required effort to distribute how-to-vote cards);

requiring candidates to declare their party membership or political allegiance ...

I note that change has been made, and my understanding is that both Labor and the Greens will endorse some council candidates in this election. I have no difficulty with the right of parties to endorse. If people are endorsed by a party, I think it is appropriate that they declare it. The Liberal Party, our party, and the National Party, to my understanding, do not endorse candidates for council elections. In fact it is a jealously guarded point in our party that we do not endorse. That does not stop people from supporting people with like views, but I have noted that in many areas around the state we often see many Liberal candidates running against Liberal candidates in particular council areas, so they do not always agree on everything.

The document continues:

replacing proportional and full preferential vote counting systems with optional preferential or first-past-the-post systems;

requiring that candidate statements be more detailed than the current 150 words ...

I have already commented about the fact that the 200-word document will give a little more information, and we have no quibble with that in any way.

The document continues:

Actions to discourage ‘dummy’ candidates must take into account that ultimately people who are on the roll have a right to stand for election. In reality many of these proposals have unintended consequences and any reforms need to be carefully considered.

I agree. That is a very good summation of the issue from the City of Boroondara. My point here, to be quite clear, is that you cannot change and fix all of these problems, but the presence of how-to-vote cards inserted and distributed at public expense does add to the risk of more dummy candidates. It is for that reason that I think this is the correct step. It is the right step and

it is a step that will see a strengthening of our democracy and a strengthening particularly of the position of local government. Less dummy candidates, less stooges, will mean that local government is held in higher regard. Those who run fair and square and win will run fair and square and win. Those who have traditionally had an army of dummies to get them over the line will find it just a mite more difficult.

Ms DUNN (Eastern Metropolitan) — I rise to speak on Mr Davis’s motion that clause 38 of the Local Government (Electoral) Regulations 2016 be disallowed. I thank Mr Davis for bringing this motion to the house today. I know Mr Davis has referred to what is known particularly in local government circles as the Georgiou review. I will also be referring to that extensively because it undertook a very close examination of the issue of dummy candidates and what reforms could be undertaken to try to prevent dummy runners, stooges or whatever terminology you would like to attach to candidates who are not actually running for the genuine reason of being elected to local government but are there simply to direct preferences to the ‘real’ or lead candidate.

In terms of the Georgiou review, it was extensive. It actually looked at a range of different areas. It looked at electoral representation, integrity, participation and the electoral process. In relation to the electoral process, one of its key terms of reference was looking at improvements that could be made to ensure the integrity of the electoral process, and that included candidate integrity, including issues regarding dummy candidates, information disclosure, existing candidacy requirements, campaign funding and disclosure.

I was very fortunate at the time of the Georgiou review to be the president of the Victorian Local Governance Association (VLGA), and it was one of those issues that we keenly followed as an organisation at that time. In fact many of the recommendations of the Georgiou review would in fact have strengthened the sector. However, many of them — or any of them — have not been implemented, which is a pretty poor outcome for local government because there certainly were some excellent recommendations that came out of that.

I want to refer to the local government electoral review stage 1 report. Section 4 of that report deals specifically with dummy candidates, candidate participation and candidate capability. The panel who made up the Georgiou review highlighted that in terms of the submissions they received:

Significant concern about the existence of dummy candidates was a strong and persistent theme raised by stakeholders during the consultation. Most people who raised this were

troubled by the perception that too many candidates contest local government elections without the intention of being elected, but rather to secure and transfer votes to another candidate. A large number told the panel they believe this undermines the integrity of the electoral system.

I quote from the Victorian Local Governance Association submission to the review:

The idea that 'dummy candidates' were particularly prevalent in the 2012 elections was pervasive.

It was pervasive in that particular election. I draw from memory that probably one of the most extreme examples of that was the City of Casey, which had 85 candidates running in that election — an extraordinary amount of participation, which you do have to question.

In terms of other submissions made in relation to dummy candidates, Cr Matthew Kirwan of Greater Dandenong City Council, a fine Greens candidate for that municipality, noted that the nomination process:

... should be more onerous. It is too easy for a dummy candidate to nominate by just turning up one day ...

Of course the Greens are so opposed to the idea of dummy candidates that it is embedded within our constitution that in fact you cannot run dummy candidates to support you in your local government elections, because it is a perversion and distortion of democracy — democracy we in the Greens hold very dear.

In her submission to the review Elizabeth Jeffrey said:

I also think that our system is being abused by allowing too many dummy candidates; candidates should be genuine.

The panel's view is that it is not desirable for the election result to be impacted by the running of dummy candidates. The panel, in considering this matter, considered the issue of the Victorian Electoral Commission (VEC) actually distributing how-to-vote indications with their package of materials that goes out to voters. The panel, when considering this, believed that:

... the publication of candidate how-to-vote recommendations does not enhance voter ability in this respect but is a major inducement to dummy candidates standing purely as a mechanism for siphoning preferences.

At the Melbourne hearing Geoffrey Goode of the Proportional Representation Society of Australia said:

... the proliferation of dummy candidates is assisted and contributed to by two aspects of the arrangements in Victoria. One, in our view, is the distribution by the returning officer of candidates' how-to-vote recommendations. This doesn't apply in ... surrounding jurisdictions.

John Watson, Brimbank City Council commissioner at the time, said:

An option would be not to allow that —

how to vote —

to be included in the election pack that is sent to the voter by the VEC or the election provider.

Bayside City Council, which I think Mr Davis has referred to, said in their submission:

It is suggested that candidate preferences not be included in the ballot pack, which may deter ballots being stacked with 'dummy candidates'.

It is certainly an enormous issue, particularly for those genuine candidates who want to do the right thing by their community and put their hand up to run but do not have the linkages or perhaps the notion that some candidates in fact get very coordinated and run a team of candidates in order to support them. So if you are an individual wanting to do the right thing and you have not thought that this is an issue, it certainly is a very unlevel playing field in terms of participation and democracy.

In terms of the panel's deliberation in the review, it stated:

The panel believes that communication of preferences should be a matter for candidates to pursue through their own campaign efforts. The panel recognised that this approach may create more work for some candidates but is important to removing incentives for running dummy candidates.

Ian Farrow in his submission said:

Dummy candidates are empowered by ... the ability to publish how-to-vote information in the postal vote material circulated to eligible voters. The incentives to run dummy candidates would be considered reduced if ... candidates were unable to include how-to-vote information with the circulated postal vote material.

It was a continual theme received by the Georgiou review at the time. Given the theme and level of commentary and discussion around that, the panel made a recommendation. It is recommendation 26:

Candidates' how-to-vote recommendations not be contained in the postal packs circulated by the VEC.

One would question whether the VEC is the appropriate mechanism to circulate preferences. I do not believe that it is the appropriate mechanism. Candidates have every opportunity to indicate to their potential voters who they would like to preference in terms of their election campaign. There are a number of mechanisms by which they can do this. Possibly one of the easiest ways for the candidates to do that is to have

an online presence. Candidates even have the opportunity to include in their statement references to websites or opportunities for voters to find out what their how-to-vote recommendations are. So I do not think it is an enormous limitation to say that the VEC is not the appropriate mechanism for distributing how-to-vote information.

I even noted in the government's own discussion paper put out in relation to the Local Government (Electoral) Regulations 2016 that they talked about the conflict in the role of the VEC as the independent and impartial election service provider in distributing the preferences of candidates in the same packs as those containing the election ballot papers. They also noted that this is open to misuse if people nominate for the purpose of directing preferences to another candidate instead of genuinely seeking office.

Mr Barber — The government's own review said that?

Ms DUNN — The government's own paper said that. They also noted in that paper that no other Australian jurisdiction allows for inclusion of candidate preferences in postal ballot packs in council elections. I will say that this paper did also note the potential for a greater level of informal votes. However, I think that is selling the voters of Victoria short, because I think voters are very aware of the fact that they do need to put a number in each box. I think we do not give voters enough credit, and I think we should not be using the VEC as the mechanism to distribute that sort of information.

In terms of the other reforms and proposed changes that came out of that discussion paper, there was the addition of enabling candidates to answer a series of questions relating to their capacity to be a councillor. Those answers have been made available by the VEC, and they enable voters to compare candidate information like for like. That change was implemented, and we certainly support that.

Mr Davis — There is no university of hard knocks listed on the paper.

Ms DUNN — There is no university of hard knocks. The other thing we are very pleased to see is that the candidate statements have been increased from 150 to 200 words. That is a reasonable change in terms of garnering more information from candidates. As I said, that is a mechanism by which candidates can in fact direct voters to other means of finding out more about them, particularly in this information age.

I want to quote from a *Herald Sun* newspaper article from 7 April 2016, which contains some comments from Local Government Victoria (LGV).

Ms Shing — It is not printed on recycled paper, that is for sure.

Ms DUNN — Through you, Acting President, the Greens always print on 100 per cent recycled paper, so I can tell you that it is — and I can tell you that no Leadbeater's possums were killed in the making of this piece of paper, either.

Ms Shing — Can you guarantee that?

Ms DUNN — I can absolutely guarantee that, Ms Shing. LGV in this article is reported as saying that the practice of including candidate how-to-vote information in postal ballot packs:

... posed a conflict for the VEC as the 'independent and impartial election service provider'.

The article continues:

It allowed candidates to effectively campaign at ratepayers' cost, LGV said.

'It is also open to misuse if people nominate for the purpose of directing preferences to another candidate instead of genuinely seeking office for themselves', it said.

This concern about dummy candidates milking the system was raised by several councillors in submissions to a review of local government laws.

There is plenty of information out there in terms of why it is not a good idea to publish how-to-vote information as part of those ballot packs. As I have said, there are plenty of other mechanisms that candidates can use to get that information to their voters. The voters are intelligent people — they understand how it works and have been doing it for a long time.

In terms of not indicating preferences in VEC ballot packs, it would be a fairer system and it would in fact discourage the running of a support team of dummy runners. The disappointment for the Greens is that in fact council candidates do not have to disclose their political affiliations. We actually see that as a weakness. If you want to be genuine and honest with your community, you should disclose your political membership and affiliation. I was always bemused by the many people who spoke to me in my nine years in local government and my six years with the VLGA and told me that local government is no place for politics. When I asked them what municipality they belonged to, I could generally reel off who belonged to which party, even though of course that was not disclosed.

I did raise earlier the extraordinary case of Casey council, which had 85 candidates in the last election. I know in this house Mr Finn has raised the issue of the potential team of 40 out at Wyndham. That is an extraordinary number. The reality is that we never truly know until the day nominations close how many people will be nominated, but I think that in terms of trying to get a fairer level of democracy and participation not indicating preferences on VEC ballot packs is a very good idea.

I just want to turn to talk about my experiences on Yarra Ranges council. As I said, I was a councillor for nine years. I have in fact served on a council where a dummy runner got elected. That does happen from time to time, that dummy runners get elected. So there is a real and genuine surprise at the declaration of the poll in terms of who won. I have had countless conversations, and not only with my own colleagues at the time at Yarra Ranges council, about the running of teams of supporting candidates. Across local government many, many councillors participate in this activity. That really goes some way to explaining why it is difficult for the peak bodies to support this — because of course there are many councillors out there who comprise the membership of those peak bodies and who in fact employ this system themselves as a way to direct preferences that they may not get otherwise.

There is a standard rule of thumb even in local government about who you should choose as your dummy runners in terms of demographic and interest mix. To say it does not happen is a very foolish approach. It does happen, and it happens at every election. The indication of how-to-vote preferences on VEC ballot packs just exacerbates that issue even more. It is not appropriate that it be on there. The VEC is not the appropriate mechanism to distribute those how-to-vote indications, and the Greens will be supporting Mr Davis's disallowance motion.

Mr MULINO (Eastern Victoria) — The core of my contribution today will be that what is being proposed in this motion is a simplistic solution or non-solution to a complicated issue. I think everybody in this place recognises that the potential for candidates who are not running seriously is an issue in local government. Indeed it has been raised as an issue at successive reviews. It was raised as an issue in a report that was received by the previous government in January 2014. The point I raised when it came to timing was that that government, which had almost a quarter of its term to deal with that report, did nothing substantive in response to that issue. I cannot get into the minds of the members of the previous government as to why they

did not do anything substantive in response to that issue, but I suspect it was the complexity of the issue that meant that they were reluctant to implement a sledgehammer response to a complex issue.

What we have before us with these regulations is a series of improvements in relation to the conduct of local government elections. They respond to extensive consultation that was undertaken by the government, and they respond in a way that I believe is appropriate. They contain substantive reforms and they contain substantive improvements to the system, which is a significantly greater step than was undertaken by the previous government.

I do not want to focus on a comparison of what we see as substantive changes in this set of reforms and what came before, but I do think it is important for context to acknowledge that the previous government, now the opposition, had plenty of opportunities to deal with this issue. It is all very easy when you are in opposition to throw motions out there with simplistic sledgehammer responses to complex issues. It is much more difficult when you are in government to craft responses to a whole raft of submissions from a complicated sector. When the opposition had their opportunity, we did not see anything. This government, as I will lay out, has a more nuanced and substantive response to this issue, which is actually about providing the people of Victoria with better opportunities to have their opinions reflected in electoral results. For me, that is really the guts of this issue.

In any voting system, I think we would all agree that what we want to see is the views of the electorate reflected as accurately as possible. There are obviously a lot of layers to this. One of the most critical layers is that we want the highest rates of formality possible. We do not want any barriers, any unnecessary barriers, to formality. Informal voting is a problem at any level of government, but it is a particularly problematic risk at the local government level because people are often less aware of that level of government. They are often less aware of the identity of candidates because political parties are less obviously involved, so anything that increases the risk of informal voting, I believe, is a serious problem in this area.

I will go into this in more detail. The risk of informal voting is a serious problem. Then there is the issue of how you actually reflect someone's views once they cast a formal vote. There are a whole range of different voting systems around Australia and indeed the world. The contrast I will draw in terms of setting some context for my contribution today is that in many democratic systems around the world — in fact

probably in the majority of democratic systems around the world — the first-past-the-post system has been adopted. Everybody votes 1, and whoever gets the most first preferences wins.

We in Australia have what I believe is a far superior system, which is preferential voting. The preferential system, which is used at all levels of government, creates a more sophisticated way of reflecting people's views. This, I would say, is a very superior system to the first-past-the-post system. We see this in the local government system as well as in the state and federal government systems. How do you actually give effect to preferential voting? The only way I believe you can give effect to preferential voting is to have some kind of mechanism for distributing the preferences of each candidate.

Even within Australia we have different voting systems. For example, in the ACT there is a system that allows for preferences but has a random allocation of candidates on the ballot paper, so you do not have how-to-vote cards in the same way that we do at the federal level. I believe that there are real problems with this because the reality is that most people do not have a high level of familiarity with candidates. I believe that that kind of system often leads to a poorer representation of people's preferences. I think that these are critical issues and they are complicated issues.

Let us take it down to the local government level and try to look at the ways in which individuals might try to have their views reflected. Many people, when they are trying to decide on their vote in the local government sphere, will have an awareness of who their current councillors are. They will have an awareness of people who are prominent in local community activities. I believe that to prevent them from knowing what the preference allocations are of those people they are likely to be aware of takes away significantly from the system's capacity to reflect people's views.

Let us go to some of the core underlying problems in the system. These are problems that were reflected in the Georgiou review, and these were problems that were reflected in the government's own review. One of them is the information available to voters when considering the merits of candidates. That was an issue explicitly identified in the Georgiou review, and that was an issue that was reflected in many of the submissions to the most recent review. What the government has done to address that issue is introduce a set of tangible reforms that improve the extent and transparency of information provided to candidates. All candidates will now answer a questionnaire to be published on the Victorian Electoral Commission

(VEC) website, all candidates will provide information on what training they have undertaken to equip themselves as a candidate, all candidates will provide information in relation to whether they have read council documents and all candidates will provide information on whether they are endorsed by a political party. If they are a sitting councillor, they will provide information on their attendance record.

This information will be very important for many voters. In addition, as has been noted by the previous two speakers, candidates will be allowed to produce longer candidate statements. Those statements are increased from 150 to 200 words. My contention is that allowing candidates to also present information in relation to their preferences is critical information and that, for many voters, that will be information that they will want to have presented to them. There are two key benefits of allowing that information to be provided. First, it will increase the rate of formality within the system. People in the community are very familiar with preferential voting systems. They are very familiar with the operation of how-to-vote cards. Second, for many people this provides additional information. Both the Georgiou review and the government's most recent review acknowledge that providing more information in relation to candidates in a constant and easily digestible form is a good thing.

I acknowledge that this is not a simple issue and that in some councils and in some wards there are clearly a number of candidates who may not be running genuinely. It is all very easy for people to throw around the number of candidates as if that in and of itself demonstrates that this is a problem that is highly prevalent. It is ironic that the Greens throw around the number of candidates as a problem per se when if we look at the Senate, for example, there are a raft of political parties now challenging the major parties. I would have thought that many in the Greens would have seen that complexity and diversity as a good thing. Indeed the Greens have for a long time championed the role of non-major parties in our political system.

Like many things in politics there is an aspect of this which is in the eye of the beholder. If you see more and more candidates, an incumbent or somebody who does not want to have the status quo challenged will say that having more and more candidates is inherently a bad thing, but for many in the community more and more candidates are seen as more diversity and more choice. The worst thing, I think, is to try to address a complicated, nuanced issue like this with a sledgehammer solution. What we have is an electoral system in which people are very accustomed to receiving information from the VEC, and for many

voters that is the information they use to decide how they are going to vote in local government elections.

We have a system which is closely related to other layers of government where, as I said, people are very accustomed to allocating their votes based on how-to-vote cards. Ms Dunn said that it is possible for individual candidates to communicate their preferences through other means, such as a website and paraphernalia they might hand out. That is possible, but I would contend that that is no substitute for a universal distribution of how-to-vote cards by the VEC. I would argue that what you would find if you relied on each individual candidate having to distribute their how-to-vote cards would be that many people in the community did not receive how-to-vote cards or some kind of communication of preferences of the majority of candidates, and it would leave them in a much poorer situation.

What we get under the current situation, for all the problems one can argue that it creates, is at least a single pack of information that provides a bio, answers to uniform questions and a set of preferences for all the candidates. People can lay them out, compare them and make a decision. The current system is not perfect. There are some underlying issues with the current system which are more profound and which I think almost everybody in local government would acknowledge. One of them is that people in the community probably have less engagement with local government than is ideal. I found this when I ran for local government — that the level of engagement from the community was not high. Whether we agree to this motion or not is not going to deal with that issue. That is a longer term issue that we need to grapple with.

I would argue that, compared to the status quo — as in what is contained in these regulations — taking these regulations but then excising a clause from them through a sledgehammer approach, taking out a key element of what is currently provided to people and that they are very familiar with, would actually be a very detrimental move to a package that was crafted after extensive consultation with the community. My problem with what the opposition is doing is that it is being done very late in the piece in a way that is going to throw the whole system into a great deal of confusion. I believe that it is being done in a way that would not have a balanced effect on candidates, so it would not be a positive move in relation to the capacity of the voting system to reflect the views of voters.

We do not support this motion. We support a voting system in local government that, as best as is possible, reflects the views of the community. We have actually

taken a number of concrete steps to improve the system. Many of those are agreed on by all in this chamber, and I think it is worth noting that what has come out of the most recent round of consultation is a set of concrete steps. We have put in place a number of reforms in relation to the punctuality of Australia Post delivery, we have extended the period during which postal ballots can be admitted, we have put in place new mechanisms in relation to voters at attendance elections to apply for a postal vote online, and as I mentioned earlier, we have also put in place a number of positive steps in relation to the information that candidates provide. What we have here is a suite of reforms that improve the system. What would not be appropriate is for the opposition's motion to get up and, I would argue, vandalise that new set of regulations, that new system. It would not be a balanced or appropriate way to deal with what is a complicated issue.

As I said, the opposition had every opportunity when they were in government to deal with this complex issue. They sat on their hands for almost a quarter of their term. I believe there is good reason for that — because they understood the complexity of this. Now, in opposition, when they do not have the responsibility of actually having to run the process and they do not have the accountability of actually having to make sure that it works properly, it is easy to put these kinds of motions up, but it is not a sensible response to what is a complicated issue.

We do not agree with this last-minute, haphazard vandalism of the voting process, and we will not be supporting this motion.

Mr MELHEM (Western Metropolitan) — I also rise —

Mr Finn — Speaking of vandalism of the voting process.

Mr MELHEM — That is not nice, Mr Finn. Be nice. We had better start talking about you now, and about your various council elections.

The ACTING PRESIDENT (Ms Dunn) — Order! Mr Melhem, if you would like to continue, and Mr Finn, if you would like to let Mr Melhem continue.

Mr MELHEM — The motion by the opposition to disallow section 38 of the Local Government (Electoral) Regulations 2016 has been put at the 11th hour. Everybody knows that we have council elections coming up in about four to six weeks time. As Mr Mulino said earlier, opposition members had four years, they commissioned Petro Georgiou to do a

review of the council regulations et cetera, and they chose to do nothing. They sat on their backsides and did nothing for four years, and now suddenly they have decided to do something because this government is actually doing things about reforming local government. The Andrews Labor government is working on making sure there is transparency in local government, hence the various reviews that have taken place in relation to the Local Government Act 1989. Some of the changes went through yesterday, and a major review has been undertaken by the government in relation to bringing local government into the 21st century.

The only thing that I can think about this disallowance motion is that it is just a stunt — and that speaks volumes about this opposition's priorities. They are not looking at debating real policies and how we can advance the interests of Victorians, but instead are basically lighting fires all over the place and making noise without offering any resolution.

Let us talk about what the opposition are complaining about and what they want to change. They are basically saying that they believe in democracy and transparency, but they do not believe that voters should know a bit more about council candidates. For example, at the time of the last council elections, I resided in the Shire of Melton. We had a long list of candidates and we liked to know who they were. If you want to go and vote for a candidate at a council election, you want to be able to know who you are voting for. Looking through the list, I could not recognise any of them.

Mr Finn — Oh, yes? Pull the other one.

Mr MELHEM — Maybe they were Mr Finn's candidates, and he had been hiding them in the closet and finally put them out there. I am just using that as an example. I think most people would not know — would not have a clue — about their candidates. Therefore it is important that part of a council election process is to send out a bit of information about who the candidates are and what they stand for — even if they have got people running on their ticket, because some people run on tickets.

In this place, we do the same thing. People run on tickets and actually exchange preferences, so it is not a secret and not something that is just for councils; it is for state Parliament and for federal Parliament. I think it is quite important that voters are given the opportunity to actually read about their candidates, including on how-to-vote cards. If this motion gets up, then the only council that will be able to do all these things will be

the Melbourne City Council. The other councils around Victoria will not have that opportunity.

When the minister looked at this particular issue and at reviewing how elections are regulated by the Local Government Act 1989, he put together a wide range of consultations. We received 67 submissions to the discussion paper from councils, councillors, local government peak bodies, ratepayer organisations and members of the public. It was not something that the minister dreamt up, saying, 'Okay. That sounds good. That looks good. Let's get it done'. There has been wide consultation with the various stakeholders to engage the community and seek their view.

For example, one of the areas we considered would require changes to the regulations was in relation to the deterioration in punctuality of Australia Post deliveries. The Victorian Electoral Commission (VEC) advised that at the 2012 election over 116 000 ballot papers received during the week after the close of voting had to be excluded from the count and that it expects that this problem will increase in the future. Another example is what happened at the last federal election. Postal ballots were counted after the vote had concluded, after voting day, so it is nothing unusual. So extending that time for postal votes by five working days is actually a good thing.

As I said earlier, the lack of knowledge about candidates at council elections is very, very important. We have received a lot of criticism from voters because candidates in local government elections do not get the same media coverage as candidates in state elections or federal elections, and people want to know who they are voting for. What about this? We are now going to ask candidates to answer questions, which will be published on the VEC website, telling voters a bit about themselves. I think that is fair and reasonable. That is one of the changes we are looking at. If doing that is not compulsory for candidates and they do not want to do it, the VEC will put on their website, 'Candidate A refused to answer all of these questions'. The questions include what training have they done to acquit themselves as a councillor, and whether they have read key council documents.

We all know about the fiasco in which a lot of councillors and councils did not comply with a simple request made about a code of conduct. There was an argument about the question of whether they make an affirmation or declaration. I think Mr Finn was talking about that yesterday. But we are talking about sophisticated people who want to represent other people in public life. I think it is very important that they have some basic training. If you do not have it, that is not the

end of the world. You should not be prohibited from standing for council if you do not have that training, but at least when you stand for council and you are elected you can then go and do the appropriate training to do your job. I think it is very important that councillors do that.

Other issues include whether candidates have read key council documents, for example, and whether they are endorsed by a political party. Mr Davis spoke at length on this. I agree with him that it is very important that if a councillor is affiliated with a political party they should declare that. I think it is important that they do that. Mr Davis talked about the Liberal Party having a policy of not endorsing candidates, and that is fair enough, too. The Labor Party has a similar policy in relation to endorsing candidates. The Greens may have a similar policy or they may be a bit different, but I think it is important that if a person is a Liberal Party member they should let the public know and say, 'I am a member of the Liberal Party'. I think that is good information to release. In fact the candidate might get some more votes, as Liberal voters will vote for that person — and the same goes for Labor voters. Let us face it: citizens or voters tend to follow party lines. They like a particular political party and they tend to vote for members of that political party, whether it is at a council election, a state election or a federal election. So this is very important information to release, and one of the changes we are introducing states that they should declare that.

Another change is that sitting councillors should release their record of attendance at council meetings. For example, if a councillor has been a member of council for a term — I think the term is four years — and only attended, for argument's sake, 10 out of 50 meetings, I think the public ought to know that. Alternatively, if the councillor has been able to attend 50 out of 50 meetings, people will say, 'Hey. This person is actually doing the work. He is actually taking some interest in our affairs, and that's a good thing'. The only time you would hide that or not put it out there if you an existing councillor is if you do not want people to know how you have been performing. The way I look at it is that it is a positive thing. It is basically encouraging existing councillors who are doing the work to put themselves out there and say, 'Hey, I have been attending all these committee meetings'. A bio about yourself does not hurt.

Those are some of the changes, and that is why I cannot work out why we want to disallow clause 38 of the Local Government (Electoral) Regulations 2016 at the 11th hour. Various opposition members spoke yesterday about the legislation we have introduced,

saying it may mean that over 100 councillors are disqualified from office because they failed to comply with requirements, which they had plenty of time to do. Opposition members are saying there is going to be chaos. That is exactly what they are producing with this motion. If this motion is passed by this house, that is contrary to the argument that opposition members put up yesterday. It will create confusion and it will create chaos — unless their agenda is that they do not want people to be informed about their candidates. I thought we were about educating people and letting people have important information. Knowledge is everything. We are doing our citizens, our voters, a huge favour by making sure they have got all the information they need to select the candidate for their ward. I cannot understand the reasoning behind this motion.

Another aspect of the clause relates to information on how to vote. If we look at the last federal election and the last federal Parliament, a lot of time was spent on preference deals and shadow preferencing. People were out there chasing preferences and so forth. If you go to a polling booth you are handed a how-to-vote card. It is up to you whether you want to follow that or not. This is a democracy, and you do not have to follow a card. You do not even have to vote. You can just go and have your name crossed out. You can put in a blank ballot. I do not agree with that. I think people should actually vote, that they should actually cast their vote. Every citizen has an obligation to do so, but —

Mr Dalidakis — They could end up with Mr Ondarchie representing them.

Mr MELHEM — Well, that is possible, is it not? And he is not here to hear you.

We do that at a polling booth, but people who want to do a postal ballot are denied that information. There are now a lot of councils which use postal ballots because there are a lot of savings in doing that in comparison with the costs involved in people voting in person. For example, the council in the area I live in only does postal ballots. I think it is very important that the how-to-vote card is mailed as part of the voting papers. That also gives candidates a level playing field. A candidate would have to go and raise heaps of money to basically go and run campaigns and send mail-outs to 30 000 or up to 100 000 voters.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Child protection

Ms PATTEN (Northern Metropolitan) — My question is to the Minister for Training and Skills, Mr Herbert, representing the Attorney-General. Last year the Royal Commission into Institutional Responses to Child Sexual Abuse heard shocking revelations about Jehovah’s Witnesses in Australia, including that 1006 allegations of child sexual abuse had been lodged with the church hierarchy since 1950 but none had been reported to police. Even today the organisation admits it still receives three to four complaints per month. Last week the *Age* newspaper revealed that Richard Hill, a former Jehovah’s Witness elder who was found guilty last year of sexual offences against his six-year-old female cousin, was put on the sex offenders list and fined, and is now back working with children from a Melbourne parish. Can the minister please explain how Mr Hill has been allowed to slip through the cracks and once again been allowed contact with young people even though he is a convicted sex offender?

Mr HERBERT (Minister for Training and Skills) — I thank Ms Patten for her question and for her passion to ensure that the rights of children are protected. These types of criminal activities in the past, present or future are simply horrific for virtually every Victorian, every Australian and most decent people in the world. We take this matter and these allegations very seriously.

By way of information, however, the Sex Offenders Registration Act 2004, which governs these activities, imposes a number of obligations and prohibitions on people who are added to or put on the sex offender register. These include preventing them from engaging in or applying for child-related employment. The contravention of this prohibition is an offence punishable by two years imprisonment.

The act defines child-related employment as meaning, in the broader sense, employment which can include voluntary work involving contact with a child in connection with a range of circumstances. To be specific, it can include employment in connection with a religious organisation. Child contact may include physical contact or oral or written communications but would generally not be considered incidental contact. I do not think any legislation could stop that.

Registered sex offenders are also required to report a range of personal details to police, including any other contact with children such as contact with family

members. Registered sex offenders must also report their employment details, again including voluntary work, to Victoria Police. Failure to comply with these reporting obligations is an offence — as it should be — and may be punishable by up to five years imprisonment. Basically Victoria Police makes inquiries in relation to all reported child contact and advises the Department of Health and Human Services, which follows them up as a matter of priority. We must act quickly and make sure the system works.

While I am not aware of the particulars of the case reported in the *Age*, this morning I think, I will make inquiries and where possible — there are some restrictions in here — provide a more detailed response to Ms Patten’s question. It is a serious matter, and we need to take this seriously. We have laws in this state to protect children, and that is why we have a sex offender register. I will get back with as much detail as I can.

Supplementary question

Ms PATTEN (Northern Metropolitan) — Thank you, Minister, and I think given last night’s sometimes harrowing debate around child sex offences I totally concur with you. I hope we can get to the bottom of this, because it does seem that in some ways Mr Hill has been given some sort of exemption from not being allowed to meet with children. Following on from that, I would be interested to know if there are any other people on the child sex offenders list who have received some sort of exemption allowing them to continue to work with children under certain conditions, which it appears Mr Hill has received.

Mr HERBERT (Minister for Training and Skills) — Last night’s debate will continue in this chamber this week on updating the existing laws in respect of sex offenders. It is an important debate, and I agree that it was an emotional debate last night. It should be an emotional date, because it is very, very important to protect the rights of children and others from sexual predators.

On this particular issue I do not have any information to verify the implied thing that there may have been an exemption or that there have been exemptions. However, on that very point I will have to get back to the member with whatever detail I can, and I am happy to do that.

Wild dogs

Mr BOURMAN (Eastern Victoria) — My question today is for the Minister for Agriculture. During my time in Parliament I have raised the important and

serious issue of the wild dog bounty. The successful bounty program plays an important role in conservation as it protects native wildlife and stock by encouraging the removal of wild dogs and foxes from the environment. Wild dogs continue to be a significant problem in East Gippsland, as well as in the rest of the state. Wild dogs, like feral cats, bear little resemblance to the pets we have. They work in packs, killing livestock as well as native animals and generally committing carnage in the ecosystem. There has been an increase in the reports that wild dogs have attacked or chased bushwalkers, and this is of great concern. My question to the minister is: would the minister provide an update on the wild dog bounty and what action the government will take to protect native animals, stock and bushwalkers?

Ms Shing interjected.

Ms PULFORD (Minister for Agriculture) — I thank Mr Bourman for his question and for his interest in this matter, and I note by way of interjection Ms Shing's interest in this matter as well. There are many parts of Victoria that feel the impact of wild dog activity, but this is particularly the case, I think, for the east of the state.

Effective management of wild dogs requires an integrated approach, and as members would be aware the government has been undertaking a review. The Wild Dog Control Advisory Committee had run the term of its period of appointment under the former government, and as I was keen for us to review and properly evaluate all of the measures that are taken as part of that integrated approach it seemed timely to bring all of these things together.

There have been a number of changes along the journey. The state budget provided funding for aerial baiting, and indeed this has doubled since the aerial baiting measure of the former government. We will be providing aerial baiting twice a year rather than once a year, which I think is a very welcome thing. The activities of our wild doggers continues, and that is a very important part of this work. We cannot overstate the importance of those community committees as well, because it is local knowledge that is just essential —

Ms Shing interjected.

Ms PULFORD — Thank you, Ms Shing. It is absolutely essential for an effective group of strategies. Mr Bourman asked about the bounty, and I understand he has an interest in this and has raised this with me on other occasions. What I would say to Mr Bourman is that I have now received the evaluation report on all of

this. As Ms Bath knows, indeed, this took a little longer to get to me than is ideal, but I look forward to providing the government's response to that in the not-too-distant future.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for her response. My question to the minister now is: will the report be released, and if so, can we have an ETA as to when we might get it?

Ms PULFORD (Minister for Agriculture) — I thank Mr Bourman for his supplementary question and indeed for the patience of those people who have an interest in this who are waiting to see the outcomes of the report. We will certainly share the outcomes of the report. Just one final remark on the bounty: it was not something that was provided with ongoing funding by the former government; it is something that was introduced by the previous Labor government. We look forward to continuing to provide an integrated approach to the control of wild dogs —

Mr Ramsay interjected.

Ms PULFORD — and indeed to fox management, as Mr Ramsay rightly points out, which is also very important.

VicForests

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. Minister, can I ask: what action have you taken to ensure that VicForests have access to the appropriately skilled personnel to survey logging coupes for threatened species?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question. I will provide her with a written response.

Supplementary question

Ms DUNN (Eastern Metropolitan) — Thank you, Minister. My supplementary is: why does VicForests continue to fail to locate and identify threatened species in potential logging coupes?

Mr Ramsay — Because you keep getting in the way.

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her supplementary question. I note Mr Ramsay's interest in Ms Dunn's interest in these matters, as we get into this a bit in the house from time to time. I will provide Ms Dunn with a written response, but I certainly reject the assertion that the

staff of VicForests are behaving improperly. I have great confidence in the team of VicForests in managing a very difficult set of issues.

VicForests

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. Minister, is it more cost effective for VicForests to utilise the volunteer skills of citizen scientists to survey logging coupes for threatened species rather than procure suitably qualified assessors to do the work for them?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question, and I will provide Ms Dunn with a written response.

Supplementary question

Ms DUNN (Eastern Metropolitan) — Thank you, Minister. My supplementary question is: can you explain why the citizen scientists have a greater success rate in identifying threatened species than the suitably qualified assessors that work for VicForests?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her enduring interest in these matters, and I will provide Ms Dunn with a written response to her questions.

Serious sex offenders

Mr O'DONOHUE (Eastern Victoria) — I have a question for the Minister for Corrections. By way of preamble I note that, Minister, your colleague Ms Mikakos has broken convention and provided fulsome answers during question time to the opposition. I intend to ask you in my question about the reforms to the serious sex offender supervision and detention scheme following the release of the Harper review, and I invite you, Minister, given the seriousness of this issue, to provide a fulsome response.

Minister, I refer to the recommendations of the Harper review, specifically recommendations 30 to 34, which deal with accommodation options for offenders on post-sentence orders. I note the comments of the then acting minister, Robin Scott, at the Public Accounts and Estimates Committee (PAEC) in May this year, when he referred to the construction of a new purpose-built specialist secure facility for the treatment and containment of offenders away from the broader community due to the risk of their behaviour. Minister, while not questioning the intent or purpose of such a facility, its location may cause local community concern, and I ask: will you undertake to consult with

any potentially affected communities before a decision is made about where to locate this facility?

Mr HERBERT (Minister for Corrections) — I thank Mr O'Donohue for his very serious question. As he knows, of course, we have a number of places for serious sex offenders who have done their time but are a risk to the general community. There are a couple in prisons currently. There is of course Emu Place; there is Corella Place, where we have started some capital works upgrades; and as he knows, in the budget there is more money for new stronger facilities for some of the worst, most dangerous offenders. Can I just say that I am happy to give a fulsome answer, and I will give that in writing tomorrow.

The PRESIDENT — Order! I am mindful that Mr O'Donohue did go over time in asking that question, and so I would suggest not to in the supplementary.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — Thank you for the guidance, President. I ask by way of supplementary: Minister, during the same PAEC hearing Acting Minister Scott also referred to a further \$3 million in capital funding for an interim secure facility for serious sex offenders requiring secure detention while the specialist facility is under construction. So I ask: now two months into the new financial year is this interim facility now in operation, and if so, where is it?

Mr HERBERT (Minister for Corrections) — Minister Scott did an excellent job at PAEC by the sound of it. Can I say that this is a serious matter, but as Mr O'Donohue knows, running the operations side of prisons is complex; there are ups and downs in various areas. Can I assure him and the community that we have facilities available for those on the serious sex offenders list — those that are required to be out of the community; of course some are in the community under various supervision orders. The facilities are there, they are meeting the needs and people have a right to feel safe. We have facilities there for those numbers. On the substantive question, as with the consultation with the community in the previous one, I shall provide a fulsome answer tomorrow in writing.

Prison capacity

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. The opposition has received advice that at 7.00 a.m. last Wednesday, 25 August, the police cells were at

bursting point, holding 376 prisoners and forcing secondary cells such as those at Narre Warren to be opened late last week. Minister, can you confirm if this figure is correct, and why has there been such a significant increase in the number of prisoners in police cells?

Mr HERBERT (Minister for Corrections) — I thank the member for his question on the issue. As he knows, the issue of police cells — —

Honourable members interjecting.

The PRESIDENT — Order! Mr Dalidakis and Ms Mikakos are on either side of the minister, who is attempting to answer the question. That makes it extraordinarily difficult for the microphones to pick it up for Hansard. Please desist.

Ms Crozier interjected.

The PRESIDENT — Order! I thank Ms Crozier, but I do not need help.

Mr HERBERT (Minister for Corrections) — On the issue of police cells, I do not know what the date was, but the advice I have with me does not confirm those numbers. What I do know is that it is a complex issue. It relates to bail. There are a whole heap of issues. As Mr O'Donohue knows, we are bringing in videoconferencing facilities and a whole range of facilities to relieve the pressure on our police cells. You put more police on the beat, you get more crims in the cells and our system matches. But I will get back with a fulsome answer to Mr O'Donohue tomorrow in writing.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I ask by way of a supplementary to the minister: the ongoing high number of prisoners in police cells is diverting police from catching criminals to babysitting criminals, and even where custody officers have commenced work a sworn police custody sergeant must be rostered to supervise the custody officers and take ultimate responsibility for the management of the prisoners in the police cells. As I noted in my substantive, cells such as those at Narre Warren, which are staffed fully by police only, have recently had to be opened. I ask: Minister, when will this unacceptably high number of prisoners in cells be brought to a reasonable level and below the agreed cap of 100 prisoners, as it was when the coalition left office in November 2014?

Mr HERBERT (Minister for Corrections) — 'Do what we say, not what we do', Mr O'Donohue, that is your thing. What I do know is that in November 2013,

when I think you may have been the minister, the police cell numbers peaked at 372 — 372! — under you.

Honourable members interjecting.

Mr HERBERT — But that is not what you say. We are managing police cells. We are managing the increase in remand. We are doing it in a thorough manner, and I have every faith in the operational unit in doing this. There will always be pressures. I will get back with a more fulsome answer in writing tomorrow.

Local government code of conduct

Mrs PEULICH (South Eastern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade representing the Minister for Local Government. Minister, yesterday the government repealed section 76C(1) of the Local Government Act 1989 to fix the many unintended consequences of its flawed legislation, which included the disqualification for life of over 100 councillors. However, the government failed to repeal section 63(1)(b) of the Local Government Act 1989, which mirrors several of the botched provisions. Can the minister therefore advise the house of the status of those councillors who have not signed the code of conduct declaration in the prescribed way and assure the house that they will not be penalised as the result of the Andrews government's botched attempt at fixing their botched legislation?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — As the member knows full well, because I answered this question last night during the committee stage of the repeal of section 76C(1) — —

An honourable member interjected.

Mr DALIDAKIS — I answered it, and unfortunately it appears that Mrs Peulich is none the wiser, because she seeks to question me on that answer. So I will ask the Minister for Local Government in the other place, currently the acting minister, to provide a fulsome answer to her, because clearly she was not satisfied with the one that I provided.

Supplementary question

Mrs PEULICH (South Eastern Metropolitan) — My question was in relation to the need to examine the implications of section 63(1)(b), not the one that you repealed last night. Therefore the supplementary is: can the minister assure the house that councillors who have not signed their council's code of conduct declaration in the prescribed way will not throw council decisions into question or open to possible legal challenges?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I thank Mrs Peulich for the question, again asked and answered during the very lengthy committee stage of the bill yesterday. However, clearly that was not enough, so what I will do is I will endeavour to have the acting Minister for Local Government provide a fulsome response for Mrs Peulich to understand better.

Youth justice centres

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. On 23 March 2016 an employee at the Parkville youth justice centre was injured when he intervened to separate a physical altercation between detainees. At the time a client separation process was undertaken to prevent client-to-client violence. One of the clients within the unit observed a client in the foyer area through the aluminium door and began kicking the door. The aluminium door was broken from its hinges from clients kicking it, which then compromised the physical separation. The two gangs of clients interacted, and several began fighting. Staff intervened, which led to the injury.

It has since been revealed that findings were made against the Department of Health and Human Services because you, Minister, were unable to provide a safe workplace. Minister, given that findings were made against the Department of Health and Human Services, I ask: since you became the minister on 4 December 2014, how many findings at both youth justice centres — as in, a number, and including this one — have been made against your department by WorkSafe Victoria?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. As the member is well aware, our government has put in place a higher level of transparency around issues in both our youth justice system and our out-of-home care system than was ever the case under the previous government. Not only are we now publishing category 1 incident report numbers on the website, which you failed to do — —

Ms Wooldridge interjected.

Ms MIKAKOS — You did not publish quarterly data.

Ms Wooldridge interjected.

Ms MIKAKOS — You did not publish quarterly data. In relation to the incident reports for the youth justice system, we have also changed the legislation to

now require those incident reports to be provided to the Commission for Children and Young People for the first time.

Can I inform the member that our government takes the issue of the safety of both the staff and the clients in our youth justice facilities very seriously. This is why we have had a review around occupational health and safety issues as well as other specific incidents relating to our youth justice facilities. In relation to the particular matters at hand, I will take the question on notice and provide a written response to the member.

Ms Crozier interjected.

Ms MIKAKOS — She does not seem to like it. I notice she was complaining earlier, as was Mr O'Donohue. They do not like it when they get answers in the house and they do not like it when they get answers in writing, but I will be taking the question on notice and be providing the member with a written response.

Supplementary question

Ms CROZIER (Southern Metropolitan) — I thank the minister for her answer and for providing a more detailed response to my question. I will ask my supplementary question. Minister, as part of the findings against your department, WorkSafe Victoria issued a stern warning that all aluminium doors at the Parkville youth justice centre that are used to maintain client separation must be replaced by 6 June 2016: has this WorkSafe order been adhered to and at what cost?

Ms MIKAKOS (Minister for Families and Children) — It might be news to the member, but young people in youth justice facilities do present with challenging behaviour and in fact the staff who work in these facilities do an incredibly challenging job in terms of making sure that not only are they protecting the safety of the young people in these facilities but they are also looking after the safety of their colleagues as well. I know that the management of the facilities and my department take these issues very seriously, as do I. This is why we have put additional funding in this budget to address additional infrastructure needs in our youth justice facilities. And as well as that we have been working through the reviews that have been undertaken to address a number of issues relating to worker safety. But I am happy to take the question on notice and provide the member with a written response.

Melbourne Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My question is again to the Minister for Families and

Children. Minister, last sitting week you stated that you were appalled and shocked by the images of what had occurred in youth detention in the Northern Territory. Minister, I now ask about an incident at the Parkville youth justice centre on 26 March 2016, where a client received a broken leg injury during a restraint process. I ask: Minister, have you viewed the CCTV recording of this incident, and what advice about this restraint process have you received from the department?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. She is correct in reminding the house that, yes, I did express my abhorrence to the house around the practices that we saw exhibited in the *Four Corners* footage in relation to the Don Dale facility in the Northern Territory. The Prime Minister and the federal government similarly expressed their abhorrence, and this is why in fact a royal commission has been called into these practices in the Northern Territory. As I advised the house at the time, the practices that were the feature of that story in the Northern Territory, such as the use of spit hoods, restraint chairs and capscicum spray, I have been advised are not practices that have been used in Victoria. Similarly there have been statements made by the commissioner for children and young people confirming that that is her understanding also in relation to these particular practices.

Can I say, as I said in answer to the previous question, that the young people who are in these facilities can be very challenging. That was the case when Ms Wooldridge was the minister — in fact there were some very serious incidents during that time — and that continues to be the case. This is why we are working to support the staff in these facilities to make sure that they are adequately equipped to be able to respond to the issues that they are facing on a day-to-day basis.

In relation to the specifics of the matter, as I explained to the member, we have introduced legislation in this Parliament that has passed and which means that for the first time there is now a legislative basis for these incident reports to go to the Commission for Children and Young People to be examined independently of my department. Of course while my department would obviously be examining any issue in relation to incidents between young people themselves or young people and members of staff, there is a capacity for the commissioner for children and young people to undertake an independent review. As the member would be aware, and as I have previously advised the house, the commissioner for children and young people has advised that she is undertaking her own independent inquiries around restraint and isolation

practices in our youth justice facilities, and I welcome that inquiry from the commissioner.

In relation to the specifics of the matter, I will take the matter on notice and provide a written response to the member.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, Mr McCann, the general manager at the Parkville Youth Justice Precinct, stated that a review will occur of the restraint which was applied and resulted in a broken leg to the client. Minister, given it is now five months since the incident took place, can you update the house on the outcomes of the review and whether this restraint used has resulted in any further injuries to clients since?

Ms MIKAKOS (Minister for Families and Children) — I thank the member for her question. I can assure the member that whenever these incidents occur there is always a fulsome response from my department in these matters, as I explained to her in response to her substantive question. There is always a fulsome response in terms of the department's examination of these issues, and similarly there is also the capacity for the independent commissioner for children and young people to also examine these particular incidents, but I will take the specifics of the question that the member has asked on notice and provide her with a written response.

Written responses

The PRESIDENT — Order! Ms Pulford, are there any written responses?

Ms Pulford — No.

The PRESIDENT — Order! In respect of today's questions, Ms Patten's questions to Mr Herbert, both the substantive and supplementary question, will receive a written response. I am of a view that the minister will need to consult with colleagues in another place, so that is two days.

Regarding Mr Bourman's supplementary question to Ms Pulford on a time frame for the release of the report, I ask the minister to give consideration to whether or not a written response might provide that time frame. The minister indicated it is imminent, but if she could actually provide a time frame in accordance with that supplementary question. That is one day.

Regarding Ms Dunn's two questions to Ms Pulford in regard to forestry matters, both substantive and supplementary questions, the minister has undertaken to provide written responses to those, and that would be one day.

With respect to Mr O'Donohue's two questions to Mr Herbert, both substantive and supplementary questions, Mr Herbert undertook to provide written responses to those questions. That is also one day.

In regard to Mrs Peulich's questions to Mr Dalidakis, both the substantive and supplementary questions, involve a minister in another place, so that is two days.

Regarding Ms Crozier's two questions to Ms Mikakos, both substantive and supplementary questions, Ms Mikakos has undertaken to provide written responses to those, and that will be one day.

Mr Herbert — On a point of order, President, as I indicated, I am more than happy to provide fulsome responses to Mr O'Donohue, but on the issue of the police cell questions, whilst there is an interface with remand, police cells are the responsibility of the Minister for Police, and I will need to seek information from VicPol to get detailed answers to them. I think it probably should be a two-day time frame, if I have understood the question correctly.

Mr O'Donohue — On the point of order, President, I would say a couple of things. First of all, Minister Herbert has answered these questions without any qualification and provided the answers in the 24-hour time frame. Secondly, as the Minister for Corrections he has direct responsibility for the prisoners. He has a direct responsibility in relation to the movement of the prisoners and the like, so he has access to that information. We have previously canvassed my thoughts on the information that the minister would have at his disposal, so I would suggest a day is reasonable.

The PRESIDENT — Order! In the circumstances I am persuaded that in fact the minister will need to consult with his colleague, the Minister for Police, because we are talking about police cells, and I therefore grant two days.

Mrs Peulich — On a point of order, President, you made, sensibly, a ruling that the question asked of Mr Dalidakis for the Minister for Local Government in another place should ordinarily take two days, but in view of the fact that the provisions in the legislation trigger tomorrow, 1 September, could I ask that you consider perhaps, in view of the urgency of the matter, that it be a one-day turnaround?

The PRESIDENT — Order! Mr Dalidakis and the minister I am sure are well aware of the time pressures involved in this matter, but I am really not in a position to vary the approach that we have in this place. I think Mr Dalidakis will do his best to try and to an early response to that.

Ms Wooldridge — On a point of order, President, and whether you would be open to reconsidering that, our standing orders actually say one day. It is a courtesy that you have extended, as President, to the ministers to allow them two days where the minister is in the other place. Our standing orders do have a one-day turnaround for these answers, and so I would ask you to reconsider Mrs Peulich's consideration of a one-day turnaround, given the imminence of the issue that was raised.

Mr Dalidakis — On the point of order, President, I would like to indicate to the chamber that, given the request from Mrs Peulich and given the good faith from you in terms of the request that I refer the matter to the minister in the other place, I was indeed very happy to oblige and to try to meet that target, but that good faith will wear thin if Ms Wooldridge wants to stand up and play games when I had already indicated to you that we would do that.

The PRESIDENT — Order! Ms Wooldridge is right in terms of what the standing orders put in place. As a house we have accepted as a courtesy to ministers that two days be given where ministers need to consult with colleagues, and I am loath to break that convention, because once I do it once, then I will have arguments all over the place. Mrs Peulich's comment about how important this is, which has also been taken up by Ms Wooldridge, is understood by the house and understood by the minister. The minister has indicated to me that he will use his best endeavours to get that answer within the one-day framework, given the triggers involved in that legislation, and I thank the minister for that.

Mr Davis — On a point of order, President, relating to a written answer from the Deputy Leader of the Government that came to this chamber yesterday in response to a question on the last sitting day of the last sitting week which was about the Country Fire Authority and her responsibility with respect to the act that she administers relating to country Victoria, in particular my question sought several things. First of all, had she been briefed? The answer did not address that matter. Secondly, would she release those briefings? The answer did not address that matter at all, so I would seek a reinstatement of that written response,

since the response did not answer the question in any manner.

The PRESIDENT — Order! I did give consideration to that question yesterday and I was of the view that the answer was not responsive to the question, so I would seek the reinstatement of that question.

Ms Pulford interjected.

The PRESIDENT — Order! It was with regard to the Country Fire Authority enterprise bargaining agreement. It was asked by Mr Davis on 18 August.

CONSTITUENCY QUESTIONS

Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My constituency question is to the Minister for Tourism and Major Events. As Victoria is the sporting and events capital of Australia, it is vital that the Andrews Labor government remains proactive and at the forefront of helping grow our visitor economy. That is why the establishment of Visit Victoria is so important. Visit Victoria, the new entity announced by the Premier and Minister for Tourism and Major Events, will bring tourism and major events under the one roof and be charged with ensuring that Victoria remains the envy of the world.

The new entity will be a world-leading body responsible for growing Victoria's \$21 billion tourism and events industry, which currently employs over 206 000 people. Bringing the key entities together will end inefficiencies and duplication — one body, one clear plan. Can the minister please advise me how Visit Victoria's approach will help grow employment opportunities and opportunities for tourism operators in my electorate?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is for the Minister for Local Government. My constituent has raised the issue of asbestos removal at the Eltham Leisure Centre being undertaken by the Nillumbik Shire Council. That leisure centre is located next to Eltham High School, and there is just concern about some residual risk in relation to those works. The constituent is making representations that that work be postponed to a time that is in the school holidays, when students are not at school, so my question is: would the minister make representations to the Nillumbik Shire Council to

consider rescheduling those works to a period of time when it is school holidays?

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) — My constituency question is for the Minister for Roads and Road Safety. There is a lot of interest in my electorate about Bolton Street and the changes that are going to be made to Bolton Street and the impact they will have on my local constituency. My question for the Minister for Roads and Road Safety is: what is the count of the average number of trucks using Bolton Street each day, and has the government done any assessment of what impact banning trucks from Bolton Street will have on adjoining streets?

There is a commitment from the government in terms of a \$10.5 million upgrade, and there are some options being canvassed at the moment in relation to that, but VicRoads have taken the opportunity on their website to identify other improvements, such as lowering speeds, installing median strips and installing speed humps on side streets and also banning trucks. Given many of my constituents have a real interest in this and there have been other truck bans in the area as well, it would be very helpful to know the numbers and the assessment of the impact those bans may have on my local community.

Western Victoria Region

Ms TIERNEY (Western Victoria) — My constituency question today is directed to the Minister for Women, Fiona Richardson. Recently the minister and I attended the Victorian gender equality strategy consultation in Warrnambool, held at the Lighthouse Theatre. The consultation was a chance for people from all walks of life to contribute their ideas and priorities for how the strategy should approach achieving gender equality. As it turned out, it was the best attended consultation in Victoria, with people from a vast array of disciplines all contributing their thoughts on what gender equality in Victoria could look like. Can the minister please advise me how the feedback from participants in my electorate will contribute to the Victorian gender equality strategy?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is for the attention of the Minister for Local Government. It is in relation to her appointment of a monitor to the City of Casey to address a special charge issue that has totalled a refund of approximately \$5000 to ratepayers over two years. I

believe that the appointment of the monitor was unnecessary. However, I understand the report has been handed over to the minister, and I now ask the minister: will she release the monitor's report as soon as possible — which I understand gives the City of Casey a glowing report — certainly before any council election campaign, and will she consider a refund of the approximately \$25 000 it has cost the City of Casey for an unnecessary action which could have simply been resolved by picking up the telephone?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My question today is directed to Lily D'Ambrosio in her role as Minister for Energy, Environment and Climate Change and as the person responsible for Parks Victoria. The Healesville freeway reserve is a piece of land that the previous government was going to flog off for houses. This government is actually maintaining it as a park. The question I am asking the minister is: how will the greater community have input into what activities and what uses the future park will facilitate?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Multicultural Affairs. Last week I visited the Gladstone Park Senior Citizens Centre, along with the shadow Minister for Multicultural Affairs, Inga Peulich. This centre is home to around a dozen senior citizens clubs from a variety of multicultural backgrounds. On the afternoon we visited we had a most enjoyable time with committee members of both the Sri Lankan and the Italian clubs. One issue causing trouble for clubs that meet at the centre is the light that floods through the many windows of the centre, interfering with the enjoyment of movies and other audiovisual presentations. Will the minister provide the funds needed for blinds and curtains at the Gladstone Park Senior Citizens Centre to be installed?

Southern Metropolitan Region

Ms CROZIER (Southern Metropolitan) — My constituency question is to the Minister for Public Transport, who is responsible for the removal of level crossings. It relates to the proposed developments and value capturing of land at level crossing sites in my electorate of Southern Metropolitan Region. The North Road, Ormond, site is the first to see this occur. It is a development that the local community have had no input into and no consultation about, and again, as is often the case with the Andrews government, there has been no regard for the concerns of local communities,

especially with regard to the proposed 13-storey sky tower that is going to be at this particular site. My question to the minister is: could the minister outline the time line of the Andrews government plans to value capture land sites at the North Road, Ormond; McKinnon Road, McKinnon; and Centre Road, Bentleigh, level crossing sites?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. Bayside council has decided to retain the 6.00 a.m. to 10.00 a.m. no-stopping zones along Beach Road. The council has identified a number of actions which are urgently needed to support this, as identified in the *Beach Road Corridor Strategy*. These are: pedestrian traffic lights between Normanby Street and Chelsea Street, Brighton; indented parking near Hampton Beach; indented parking south of Balcombe Road; improved signs; and education campaigns. My question is: will the Andrews government contribute the funds needed for this work, which are estimated to be \$1.4 million, and if so, when will the funds be available?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is for the Minister for Public Transport. Over the past couple of weeks my office has been inundated with constituents raising concerns about the impending changes to the Public Transport Victoria bus routes in Ballarat, in particular the removal of bus route 15 and other changes facing Alfredton, Lucas and Lake Gardens. I ask: will the minister listen to the very real concerns of Ballarat residents and commit to fixing the obvious gaps the new bus routes will leave?

LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2016

Debate resumed.

Mr MELHEM (Western Metropolitan) — Where was I? I probably should start from the beginning. No, I will not. I will just conclude by saying that I think this motion has simply been put by the opposition to frustrate the process. The timing of it is not good at all, because as I said earlier, there are council elections scheduled for 2 October this year. It is unnecessary, and I urge members of the house to actually vote against the motion because it is the right thing to do. The last thing we want for the upcoming council elections is to add more confusion to the process. I hope the house will

vote against the motion. With that I conclude my contribution.

Debate adjourned on motion of Mr MORRIS (Western Victoria).

Debate adjourned until later this day.

The PRESIDENT — Order! Rather than start the debate on the next item of business, there are two other members with constituency questions, and with the agreement of the house I am prepared to allow those two members to ask their questions, and then we will go to lunch.

Ms Wooldridge — I am sorry, President — and I do understand that often this is enabled with a few minutes to go — but we do have 11 minutes to go and we do have precious time in general business. There are a number of motions to go, and certainly from the opposition's perspective we would be keen to commence debate on the next motion so that we are utilising all the time we have available for non-government business.

The PRESIDENT — Order! That is fine. Given that there was an agreement in terms of those constituency questions and they were opposition members, we will proceed to the next item.

**ENVIRONMENT PROTECTION
AMENDMENT (BANNING PLASTIC BAGS,
PACKAGING AND MICROBEADS) BILL
2016**

Second reading

**Debate resumed from 22 June; motion of
Ms SPRINGLE (South Eastern Metropolitan).**

Mr LEANE (Eastern Metropolitan) — Never before have people been so keen for me to speak about plastic bags as they obviously are this afternoon. It has been quite a while since Ms Springle brought this piece of legislation to this chamber. Since then there has been a federal election.

An honourable member — You should congratulate Malcolm Turnbull.

Mr LEANE — Congratulations to Mr Turnbull on managing to reduce his margin to that degree. It was an absolutely amazing effort. He managed to do that without a net. That was fantastic.

What strikes me is that since the Greens brought this private members bill to the chamber there has been a

federal election — and this bill is a fair bill, and I think it is fair to raise the issue of plastic bags — but I was amazed on election day to see the amount of plastic the Greens wrapped — —

Ms Shing — They wrapped every primary school in Victoria!

Mr LEANE — Every inner-city primary school was wrapped in green plastic. This is an anti-plastic bag party! I had never seen anything like it. There were three-storey buildings completely wrapped in Greens party plastic propaganda.

Ms Shing — That is a lot of landfill.

Mr LEANE — That is a lot of landfill.

Honourable members interjecting.

Mr LEANE — It was even too big for a whale to choke on. I do not want to be flippant about it because I know that plastic is a problem for marine animals, but I think there would be no hope that a whale could actually choke on that. It would have to be a pod of whales — and not the little ones, the big ones.

Ms Shing — The southern right whale — your big whales.

Mr LEANE — Your big whales, not your sort of small freshwater whales. I know I am being flippant. I was having a bit of fun with the inner city being wrapped in plastic on that day.

I have to flag that the government will not be supporting this bill. There is the time frame, and there is also the fact that we as a government would like to work with industries that do rely on plastic bags to some degree at this point. We appreciate that we would like to work with industry to reduce that reliance on plastic bags. We accept that plastic bags and litter in general are a hazard and have an adverse effect on the environment. The government has been very active and very keen to reduce the amount of litter to the point where this state leads the rest of the country in terms of the amount of litter that is produced. Victoria's litter rate is 47 per cent below the national average. I think that is something we should be proud of, but I know that we should be endeavouring to do a lot more.

As I have flagged, I think that the implementation date is a concern. The bill would amend the Environment Protection Act 1970 from 1 September 2017 so that all plastic bags, except those designed for medical, police and security purposes, would be banned from that particular point. We think it is a bit clunky that there

should be an exemption for the minister to determine exemptions to that particular ban on plastic bags. We would rather that there be more formally prescribed exemptions if there were to be any into the future. I think that we would be moving a bit too hastily if we did not work with the industries that are reliant on these particular plastic bags. Unfortunately they are reliant on them to some degree for the success of their current businesses. As I said, we look forward to having more discussions on this particular issue with industry into the future.

The bill would amend the Environment Protection Act 1970 to ban from 1 September 2017 the use of all plastic bags except those, as I said before, specifically designed for medical, police and security purposes. The bill would from 1 September 2017 ban the use of polyethylene and polystyrene being used to wrap, seal or otherwise contain fruit and vegetables, and ban from March 2017 personal hygiene products or household detergents if these contain prohibited plastic microbeads, a manufactured plastic particle that is less than 5 millimetres in circumference.

A few of us on a committee went and looked at the plastic feedstock which is produced at Orica in the western suburbs when we were looking at another environmental issue, which was to do with onshore gas. I am sure Mr Davis, who was the chair of that committee, would have welcomed the announcement yesterday to ban all fracking in the state. I know he was pretty keen to get on board with that. It will be interesting to see how his party reacts when the actual legislation gets brought to this chamber and whether Josh Frydenberg and the other Luddites in the federal part of the party pull the rug on him and force his party to vote against that particular legislation. We wait with bated breath on that and actually look forward to it. We look forward to fracking being legislated against, and we look forward to seeing how the opposition treat that particular bill. Actually, we cannot wait!

Obviously this bill, as many bills do, will prescribe penalties for non-compliance with the bans on these particular plastic bags. As I said before, it will allow the minister to exempt specific plastic bags. This is an issue that we find, as I said, a bit clunky and a bit hard to enforce. As I said also, the sentiment of the issue we are actually quite sympathetic towards, but if we are going to support a piece of legislation, we want it to be able to actually do what it sets out to do, and we have a concern around that particular issue.

The bill imposes reporting requirements on the Environment Protection Authority (EPA), so that they need to report annually on the number of exempt plastic

bags — which, as I said, the minister would trigger — and restricted plastic packages consumed, the amount of plastic in waters and the impact on fish and aquatic life. I would say that the EPA would be performing a similar role to that as we speak, so I do not know if we need to determine that through this particular piece of legislation.

The PRESIDENT — Order! Mr Leane will resume at 2 o'clock, when the chair will be resumed.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Mr LEANE — I will finish my contribution, which I started before the lunch break in circumstances where the Leader of the Opposition set what I think is the dumbest precedent ever set in this chamber by an opposition leader. The President offered the members of the opposition an extra two constituency questions on top of the allocated number of constituency questions. Those on this side of the chamber said, as we would usually say, we were happy for that to happen. Then Ms Wooldridge got up and said that because of the allocation of precious time in this chamber — time is precious — she had decided to knock that offer back for a couple of her members. I witnessed the dumbest precedent that I have seen an opposition leader —

Ms Wooldridge interjected.

Mr LEANE — Ms Wooldridge, you set the standard now. In future when the President puts such a proposition to the chamber, we will say no if we are asked for leave. If you have members who want to raise an extra adjournment matter or an extra members statement or an extra constituency question, we will follow your lead in the future and we will say no. As I said, it is one of the most moronic precedents I have seen from an opposition leader in this chamber, and I have been here a while. It is probably coupled with —

Ms Wooldridge — On a point of order, Deputy President, it is now 6 minutes past 2. The member has been on his feet for a number of minutes and he has made no contribution yet to his speech on the bill which is before us, an important bill put forward by the Greens. I suggest you ask the member to come back to his speech which he is now 12 minutes into and on which he has as yet given no substance.

Ms Shing — On the point of order, Deputy President, firstly, no point of order has been raised by Ms Wooldridge. Secondly, had Ms Wooldridge been listening, she would understand that Mr Leane has in fact talked at length about the way in which the bill is intended to operate, the government's position in

relation to the bill and the way in which various towns have continued to improve on plastic bag consumption. Therefore Mr Leane is well within his rights to continue without the fatuous interruptions from the other side.

The DEPUTY PRESIDENT — Order! There is no point of order. I ask Mr Leane to go back to the subject.

Mr LEANE — I am happy to go back to the subject. I am just astounded. It is just moronic to the extreme.

Getting on to the bill, Victoria has set a low standard in reducing litter. I have said that I am sympathetic to the substance of this particular private members bill. I think the government has done a lot in the area of waste management. However, we admit there is more to do. We would be happy to work in with genuine stakeholders in trying to find a way forward. We do have some issues as far as the implementation of the bill is concerned and the exemption to the minister. I am sorry; I am still a bit flabbergasted at what happened before.

Mr Ramsay — Get on with it. You're filibustering; move on.

Mr LEANE — I am sorry. I know that the bill is genuine. It is probably going back to Ms Wooldridge telling her party that there could be no ramifications in kicking out Mr Jennings for six months.

Ms Shing — That's true. What would Mr Jennings do? We would have far more rigour in the chamber if he were here.

Mr LEANE — We have the ultimate strategist here. How is that working for you, I would ask?

Ms Shing interjected.

Mr LEANE — I would have thought so, but I need to get back to the serious intent of the bill. As I said, we respect the intent of the bill. We would like to work with the stakeholders who are very concerned about this particular issue. I acknowledge that the Greens party members have serious concerns for the environment, and I saw that firsthand during the deliberations around the fracking issue. I appreciate we worked in with them very well then, and we are happy to work in well with all serious stakeholders into the future. But unfortunately at this stage, because of the mechanics of the bill, this side of the chamber will not be supporting it.

Mr DAVIS (Southern Metropolitan) — I want to make a contribution to this Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016. I will try and be succinct and stay on the bill rather than go for a detour around the countryside as the previous speaker did. I am very cognisant of the importance of this bill and the intention and purpose of the bill. The purpose is described in the bill as being:

... to amend the Environment Protection Act ... to restrict the supply and sale of plastic bags and plastic and polystyrene packaging and to prohibit the supply and sale of plastic microbeads.

It is a very expansive objective. On one level I respect that, but on the other I also realise that there is a series of challenges in achieving those objectives. These legitimate aims are important, but I note that the government is not supporting the bill and Labor said that they wanted to work with industry on this. I do think that there are legitimate points to be made, and our position is that these types of matters have got to be worked through closely with industry.

Ms Shing — That's what we said.

Mr DAVIS — I am quite happy on some points to concede that we have a similar view to the government. The government is flatly opposing this bill. We are not at this point flatly opposing the bill. What your lead speaker said is that — —

Ms Shing — To agree is not a sign of weakness, Mr Davis. It is a sign of good judgement.

Mr DAVIS — That is what I am saying. I am just saying I can agree on some things, but I do not agree entirely with the government's position, which is to flatly oppose the bill. I do see that there are legitimate points to be made in working through many of these matters with industry. There are of course significant costs to be imposed on industry through the process that is flagged here, and there are legitimate questions about how this would impact on our community. I am not aware of other jurisdictions that have achieved these sorts of expansive objectives, and I think we would want to look closely at a number of those key points.

We had debates about this in our party room, as you would expect with every bill, and people are very aware of the need for better environmental outcomes. They are aware of the need for us to focus on ensuring that our environment, our rivers, our streams and our oceans are as best as possible free of many of these products that are outlined in this bill. Even the definitions are

significant and I think require some real degree of testing. According to the bill, a plastic bag:

... means a bag that is made in whole or in part of polyethylene.

That is a very, very broad group of products in our society. The breadth of this is something that we need to significantly work through. I note that there are prohibitions in the bill but there are some exemptions. I also think there are matters to be worked through in terms of relevant exemptions and how this might work.

Equally I think there are real issues about costs. The cost to industry and the cost to jobs of these sorts of steps also need to be thought through clearly. Communities obviously want the cleanest environment possible, but at the same time we need to make sure that we do not cause some massive dislocations.

Mr Leane mentioned the Orica factory. I think that was a good example to pick because of its significance in the production of plastics in Victoria and in Australia more broadly and indeed in some of our export markets. A significant feedstock of that of course is gas, but the output of that plant is almost every plastic container that you would see through our community. We need to think about how we can move to what I think are very legitimate objectives without the dislocation that would come from effectively causing a closure of plants of that type.

I am very respectful of the way this has been brought forward. I am respectful of the pollution objectives. I am respectful of the need to think about renewable and non-renewable sources of product, and the oil and gas and coal that is used in the production of plastics is a challenge for us longer term. There is also the issue of landfill and the issue of waste disposal. My party went to the election in 2006 — I was shadow Minister for Environment at the time — with a policy for container deposit legislation. I know Ms Hartland brought to this place a bill on container deposit legislation in the last Parliament. I think there is more to be said about container deposit legislation and how we find a way through with that legislation. That needs to be matched with the council kerbside removal systems that we have now, but it also needs to be focused on how these sorts of policies that restrict supply would operate with those types of systems. So it is actually a complex array of questions and a complex array of issues.

There are also broader issues of product stewardship and how firms that produce products ought to have a greater involvement in the ultimate stewardship of those products and in ensuring that the outcomes of those products, the disposal and other mechanisms, are

more fully explored than is currently the case. There are, I think, legitimate objectives for very low levels of waste — nearer to zero, and potentially long term even to that level — but the objectives of low waste can be met in a number of different ways. I think what I am trying to say here is that it is within this larger context of waste management, product stewardship and the issues surrounding protection of our environment that this bill has been put forward and that it has many valuable insights in it. Retailers, I think, have also got a significant role, and the role for retailers is something that needs to be thought through closely. In that context my recommendation to the chamber is that we look at a reasoned amendment, and I am happy for this to be circulated. I move:

That all the words after ‘That’ be omitted with the view of inserting in their place —

- (1) pursuant to sessional order 6 this bill be referred to the environment and planning committee for inquiry, consideration and report;
- (2) the committee will present its final report to the Council no later than 8 November 2016; and
- (3) the second reading of this bill be deferred until the final report of the committee is presented to the house in accordance with the terms of this resolution’.

I think that is an appropriate course in all of the circumstances here. It actually enables us to look at the specifics of the legislation, it enables us to consider the intersection with some of those other points that I have laid out, and we can look at the intersection with a number of these other key points.

It is true that the coalition is focused also on ensuring that we have a strong economy, an economy that has jobs, and I do not diminish any of the opportunities in the waste sector longer term as a significant growth and employment sector for the community. But that is not a full answer to the challenges that we face in terms of the industries that are very major employers now — export producers in some cases — and the considerable expertise that already exists in the management of waste. It is in that context that I suggest this referral.

I think the tight time frame enables the consideration of all of those matters in a reasonable way without unduly delaying the progress here. In a sense it is not just a tiny bill referral, because it is actually a slightly bigger task than that, but it is also something that does not need to be delayed forever. I am not sure that I am entitled to refer to alternate options. Ms Dunn may make commentary about alternate options at a later point — am I to presume that? — or maybe in summing up in some way. Should I not refer to those alternate options?

Ms Dunn interjected.

Mr DAVIS — I am not wanting to jump ahead, but there may be other ways to manage this. My recommendation is that we use the mechanism of a reasoned amendment and that we seek by doing that to defer consideration of the bill until the environment and planning committee has had the opportunity to look at it and come back with some of the useful comments that I think could be made, and that would also enable stakeholders, such as industry stakeholders, retailing stakeholders, councils and communities and others, to make their input on this particular matter.

With those comments, I indicate our caution about embracing a scheme of this impact without that analysis while at the same time indicating a receptivity to the objectives that lie behind it.

Ms SHING (Eastern Victoria) — I rise to talk about the bill before the house today, and in doing so I would like to reflect on a number of elements in it. In the first instance the rationale for the bill is a strong one. It correlates directly with the Greens' intention to reduce the amount of landfill to provide a range of more sustainable options for packaging, storage and carrying of materials, including in a retail context, and it also intends to create and drive further the cultural change that has begun to take root around the way in which people use and consume goods that are not ultimately so durable as to last beyond a handful of uses.

I note that in introducing the bill to the Council we have had a second reading on this and in fact we are looking at a proposal to amend the Environment Protection Act 1970, as my colleagues have indicated, to ban use from 1 September 2017 of all plastic bags where they have been manufactured using polyethylene or polystyrene to be used to wrap, seal or otherwise contain fruit or vegetables, and also to ban plastic bags which have been made with polyethylene, as I understand it. That is a deceptively complex thing to propose regulating, and it is one where, while the intention is a very clear one, there are some issues associated with implementing that wholesale change in a way that has occurred across other jurisdictions.

I would like to note at the outset that I in fact support the more considered use of disposable bags. I think that we do have a glut of this type of packaging and it has become the norm until relatively recently for people to simply accept a bag as a matter of course. Large-scale retailers have in recent years begun to change their practices, both in Australia and internationally, and the introduction of charges for plastic bags of a certain density, particularly in clothing and other retailers,

whereby people are offered a bag for a cost of, say, 20 cents or 50 cents, is one such way in which to encourage more considered consumption of plastic bags.

Mr Ramsay — Ninety cents at IGA for a fabric bag.

Ms SHING — I note Mr Ramsay's interjection of 90 cents, I think, for a plastic bag.

Mr Ramsay — No, at IGA for a fabric bag.

Ms SHING — At IGA for a fabric bag; I beg your pardon. Mr Ramsay, in making that interjection, raises an interesting point. The idea of providing choice to consumers about the way in which they carry and store what they consume, most usually groceries, is something which is now becoming more commonplace, and people are moving away from simple acceptance of plastic bags to using other types of bags and ways to carry goods — for example, if they have room in another bag, if they have room in their handbag or if they can simply carry things to their car.

In relation to the packaging of fruit, vegetables and other consumables, we have another situation which arises around packaging and around people perhaps raising a more conscious objection to the automatic shrink or cling wrap packaging options and opportunities for certain fruit and vegetables. It is a return to the past, in many senses, around the way in which market garden produce has been used and put on sale by a family who had a fruit and vegetable stall at the Queen Victoria Market many years ago and a history of providing fruit and veg to Victorians in and around the Carlton area. I know that stacking up veggies and making sure they are able to be purchased and to be inspected by people before they purchase is one way for people to truly understand what it is that they are getting as well as making sure that they are exercising the right consumer choice for them.

We have seen an abundance of preparedness within the retail sector to use shrink and cling wrap packaging to make a product look better, to improve the way in which a product can be taken to market and to improve the way in which storage, longevity and hygiene can be managed according to supply chain logistics demands. We have seen the way in which food handling and storage standards have changed and subsequently required people to be extremely cognisant of the way in which goods are presented in a retail setting from where they are later consumed.

It is now normal for people to buy fruit and vegetables — cherry tomatoes, blueberries, strawberries — in punnets. The way in which things are

grouped together is no longer about a string bag of summer onions; it is now pretty regular for people to see bagged salad leaves that are prewashed. I understand the rationale for needing to counter this acceptance that pre-packaged is a normal way to purchase goods.

Being from Gippsland. I think it is also important to note that we have amazing fresh fruit and vegetables. We have a thriving horticultural and agricultural industry. The beef and the dairy industries, that I have been known to talk about at length in this chamber, are second to none. One of the things that we have done well, particularly in a small producer market, is move away from that cling wrapped, polystyrene tray scenario, whereby produce is presented in a less artificial and contrived setting and also with less by-product as a consequence of that.

The other part to making sure that we give due recognition to this bill and to the objectives that it is intended to achieve is the way in which the exemptions would be managed and the way in which a minister might be in a position to declare an exemption — for example, in relation to specific retailers and the bag offerings that they have for consumers. The minister could exempt specific plastic bags from compliance with the requirements, but the exemptions could be vetoed by Parliament. Again, the rationale for this appears pretty clear. However, the devil is in the detail around how this would operate and whether it would present any supply chain or delivery difficulties for industry if a veto were to be placed by Parliament upon a small to medium enterprise and it was then prohibited from doing certain things after a considerable outlay of funding in order to brand or merchandise its own packaging materials.

There are reporting requirements in the bill for the Environment and Protection Agency (EPA) to report annually on the number of exempt plastic bags and the amount of restricted packaging consumed and to prepare a report by 31 August 2019 to determine the impact the legislation is having on the amount of plastic entering the environment, the effect upon the community, the extent to which the legislation has restricted supply of plastics and the continuing environmental impacts of plastic pollution.

Again, the intent of this bill is clear, and again, the components of this bill have merit. The difficulty, though, is the complexity associated with the bill, including the ban in the bill, which is proposed from 1 March 2017, which would prohibit the sale of a personal hygiene product or household detergent that contains a prohibited plastic microbead, being a

manufactured plastic particle of fewer than 5 millimetres. This would be an incredibly difficult thing to oversee. That is not to say that it cannot be done, and it is definitely not to say that it should not be done. The research internationally shows very clearly that our oceans, our rivers and our waterways have never had higher concentrations of microbeads in them. The research also shows that we have never had a stronger indication than now of the detrimental impact of plastics on our marine life as it tries to survive in areas of the world and the ocean environment that often have large plastic islands floating in their midst.

We have a worldwide problem in relation to the way in which plastic is gathering on our beaches, on our coasts, on our shorelines, in our oceans, on our ocean floors and throughout our landscapes. I do not think that anyone in this chamber or indeed this Parliament would disagree that we could do more to reduce plastic consumption. In fact I would go so far as to say that it is incumbent upon all of us to do the best we can to minimise plastic consumption and facilitate arrangements within the regulatory framework that assist this purpose.

We are committed — as the Greens are, as the opposition has indicated that it is — to further reducing our litter and plastic pollution. We in Victoria currently have the lowest litter count in Australia; it is about 47 per cent lower than the national average. The work, however, is never done. Anyone who has ever participated as a volunteer on Clean Up Australia Day or collected litter at their local school or park while they are out walking their dog, as I do on a regular basis, will know that there is always more to be done on straw wrappers, on cling wrap, on packaging and on plastic bags.

We need to make sure, however, that in educating people about the way in which these products are consumed we work with and alongside industry and the community and that a proper consultation is embarked upon. We must make sure that we set clear and anticipated expectations around how we drive that litter count down and that we continue to not just have the lowest litter count but also drive ourselves to zero in relation to the amount of plastic and litter encountered in survey spaces. The EPA in a number of other jurisdictions has done a lot of work on the way in which litter and plastic bags consumption can be managed. I am looking forward to seeing how the EPA in Victoria can assist with this process.

I note in speaking to this bill that the government does not support it only because there is further work to do. In the government's view this work is most

appropriately carried out in the committee context. The Standing Committee on Environment and Planning has done a power of work. I, alongside one colleague who is in the chamber at this moment, am proud to have contributed to a range of reports on inquiries relating to everything from unconventional gas and the onshore unconventional gas industry to rolling rate capping and the way in which bushfire preparedness is occurring across the state.

In essence, the work of this committee ought properly be a process that is auspiced under the Parliament. It is not uncommon for these processes to be railroaded and used for particularly inappropriate political purposes. There is a lot of work to do to make sure that as members of the Standing Committee on Environment and Planning we do the work that we are charged with under various inquiries. We must make sure that we do it with a preparedness to conduct a forensic process — to examine information and make sure that our conclusions are supported by the evidence. We must make sure that there is a really fulsome process, with people contributing through a series of consultations so that we understand the community's views. We must seek scientific evidence and data and set out a very clear proposed trajectory for how we might achieve the ends that are proposed by this bill. I think that is one of the key cornerstones on which this committee might well achieve the outcomes that the bill proposes.

We do not oppose the referral to the environment and planning committee which Mr Davis has moved; however, noting the referral and noting that subsection 2 of the motion indicates that the committee, if this matter were referred to it, would present its final report to the Council no later than 8 November 2016, I would propose that this time frame be further considered by the Parliament in order to make sure that we are not simply jamming an incomplete amount of work into a very, very tight time frame, given the work that this committee is already undertaking, and perhaps not doing justice to achieving the objectives of the bill. We have just got to do it properly, and in doing it properly we have to make sure that industry, that employers and that communities are brought on board; that we consult with the small towns that have introduced their own bans on plastic bags; that we look to what other jurisdictions are doing and have done to effect bans on plastic bags; and that we understand the framework within which an exemption process such as that contemplated by this bill might operate.

It is not to say that we cannot and should not continue to do this work. I find that there is always more work to do and that in the collective it is better when we are in a position to do it in consultation with and engagement

with the public. We need to make sure that what we deliver is consistent with the community's expectations on a more sensitive understanding of the impact of plastic, microbeads and packaging not just on our environment but on our consumption habits.

So to that end, for avoidance of doubt, I would like to confirm that we support the rationale that underpins the bill. We support the objectives of reducing consumption. We support initiatives that reduce the volume of plastic microbeads and polyethylene and polystyrene substances being used in packaging and in the substance of anything from beauty creams through to scrubs. We need to make sure that in regulating this environment, though, we do it properly, we do it consistently and we do it so it is durable. We want this outcome, whatever it might be, from any referral to the environment and planning committee to be something that we do not need to revisit in another year because it was not done well, because it was not done fulsomely, because somebody did not get a say or because there have been technological developments about which we were not aware, and we do not want to have to go back to the drawing board to refine, to update or to amend the way in which any regulatory framework changes might operate.

So with those comments in mind I would indicate that the bill is a welcome addition to the notice paper, but again it does put at front and centre the key objectives that we all need to be aware of around reduction of our consumption footprint. I note also Mr Davis's comments around the contributions from various governments to reduce the way in which we amass packaging — bags, landfill et cetera.

As a plastic bag user myself and as a law-abiding citizen I cannot say that I ever go for a walk with the dogs without at least a handful of them, and they do come in handy and they are necessary.

Mr Davis — Prolific dogs, are they?

Ms SHING — My dogs are very prolific, Mr Davis, to take up that interjection. Plastic bags have a purpose, and where they are biodegradable, Mr Davis, in such a context where it is dark and you are fishing around on a dark corner it can lead to a very unpleasant experience for everyone involved. Not the dog actually; usually the dog is completely impervious to what is going on and has moved on.

The point of all of this is to make sure in closing that we are fully aware of what it is that we are driving toward as far as the objectives of this change go and that we work within a regulatory environment not only

that we may wish to change as a consequence of the committee's deliberations but which also goes hand in hand with what the community expects of us. In matching those two things we will in fact be delivering good, responsible outcomes as a Parliament and on behalf of the people who have elected us here to do this job. I have got no further comments in that regard.

Ms TIERNEY (Western Victoria) — Can I also indicate that I speak on this with great pleasure, because it is so unusual for this house on a Wednesday to have a discussion that, one, is heard and I think also is seriously meaningful in a collegiate sense. I think across the board, regardless of our political flavours and colourings, the protection of the environment is absolutely essential. We have worked through a number of issues in our respective parties, and by and large I think the baseline for the protection of the environment is now finally a given.

In terms of the extent of it and how we do it, these are the key issues between us, but I think where there is a will there is always a way for improvement. Indeed we have been able to bring in a range of legislation, and if there has not been legislation, it has been heartening to see local community groups empowering themselves to take action on what they expect their local community to do in terms of things like plastic bags in the towns or suburbs that they live in.

It is also of course important that there is coordination in our actions, whether it be within the legislative or the regulatory framework, and it is important that we do have very serious discussions with our bordering states and indeed the commonwealth, because as we know litter — and plastic in particular — always tends to shift, and it does not recognise state borders. So we do find unfortunately a lot of plastic in our waterways.

In the environment that I live in it is common unfortunately to see plastic litter coming up on the shoreline. My electorate has many wonderful rivers, but it also has a very large portion of the coastal line of the state of Victoria — that is, western Victoria. A lot of it is pristine, and a lot of it is being damaged by the use of plastics and the misuse of plastic. I also see on a daily basis the impact that plastic and plastic products has on wildlife in my local community, with it being not unusual at all and in fact very common that birds have one leg because plastic — whether it be through fishing lines or plastic onion bags or whatever — finds its way into their environment and makes sure that their lives and the young they produce are impacted upon.

I think all of us can tell stories — but not just stories. We can describe situations now that are from our daily

lives where plastic impacts on us, our environment and our wildlife in a very negative way. It is heartening, I say, to have this issue brought here today, because it is a timely reminder of a number of activities that the current government is undertaking in the area of plastic usage and indeed around the need for industry in particular to get on board. I think industry stakeholders have a sense that the time is coming when there will need to be a significant transition in this area, but we need to work with them to make sure that the products that they make today can be different products — useful and environmentally friendly products — in the future. I think it is very important that we do work with them and not against them.

In terms of what we have here today, we agree with the broad aims and objectives of what is being proposed, but essentially we believe that the bill is broad in scale but prescriptive in detail. It is that prescription that has not been worked through as a parliamentary collective that raises questions for us. That is not to say the issues raised might not finally be agreed to at some stage. I just believe that the time lines and some of the products that are being proposed at this point in time are logistically impossible to deliver on in a very pragmatic sense. I think there is sufficient will to do some really good work in this area.

I also echo the concerns that Ms Shing raised in relation to the reasoned amendment in respect of the time frame proposed. Up until today I was a member of the environment and planning committee that this potentially will be referred to, and I can tell you we already have two major inquiries in that committee. One is on bushfire preparedness, with all of the legs and arms associated with that issue, and that reports in December. We also have an ongoing rolling inquiry into local government rate capping, which is also a significant resourcing issue, and the next report is due in December. I would be seeking from those that are particularly interested in this that there be an extension of the inquiry time frame so that there can be real and proper consideration of all the issues, so that we actually can take the community and the industry stakeholders with us and so we can be up to date with worldwide trends and what the commonwealth and the other states are doing.

I think a lot of really good work can potentially be done in this area. However, again I say the way the bill is structured at the moment will not have the support of the government, but we will, as the government and the departments are doing already, continue the work that we are doing. More than that, we want to step up how we can ensure that our environment is protected and that we can actually lead as well so we are not just

being reactive to certain pockets of community concern but are actually driving what needs to happen to take us as a community to that next level that is required to have a better standard of protection of our environment.

With those few words, I say again at this point that with the way the bill is structured the government will not support it and that in terms of the reasoned amendment to refer the matter to the Legislative Council environment and planning committee, I would seek that the time line be extended because of the current workload of the committee but also to take the community and the other key stakeholders with us on this journey for greater and better reform for the environment.

Ms MIKAKOS (Minister for Families and Children) — I rise to make a brief contribution in relation to this debate. Can I just say at the outset that whilst the government has indicated it is opposed to this bill, I do think that the intention behind it is commendable in terms of what Ms Springle is seeking to achieve in terms of trying to reduce the volume of plastics in our environment. In fact, as we have heard already in the course of debate, that is a sentiment that is shared across the house and really across all political parties. I think we are all concerned as members of the community when we see litter in our communities, whether it be plastic bags or any other form of litter, and I think it is really a great achievement to reflect on the days when probably all of us as school students would have been involved in Clean Up Australia efforts. Those efforts continue to this day of course, and it is worth reflecting on the fact that we as a state now have a very good record when it comes to litter.

I am proud that Victoria has the lowest rate of litter in Australia — and has had for five years in a row — and that the 2016 Keep Australia Beautiful *National Litter Index* shows a 27 per cent drop in the total amount of litter counted in Victoria. That shows that our rate of litter is around half the national average. Clearly Victorians are very conscious about the amount of waste that we produce, and I think that is reflected when every one of us goes to the supermarket every week and sees the efforts that people make to not use plastic bags when it comes to packing their consumables and groceries.

I find that I usually never take enough bags with me, and I get to the check-out counter and I am really trying to cram the last of my groceries into the number of bags that I have taken with me. For this reason I seem to have in the boot of my car some sort of breeding of bags going on. The bags I use for purchasing groceries seem to have multiplied over time because I have

gotten to the counter and found that I did not have enough bags with me but wanted, obviously, to avoid using plastic bags if possible.

As I said, this bill is reflecting the thinking that the community has around this issue, but I think it is incumbent on us as legislators when we debate these issues to make sure that if we are looking at a legislative framework we have a legislative framework that is actually workable — workable not only for consumers but also for industry. It has already been pointed out in the house that there are a number of concerns when it comes to the model that has been proposed here, not only in terms of the time framework — and I will come to that in a moment — but also in terms of how the legislation would work in practice.

In terms of the model, the bill is proposing banning all plastic bags made in whole or in part from polyethylene, except those specifically designed for medical, police or security purposes, and fruit or vegetables wrapped, sealed or otherwise contained in polyethylene or polystyrene, in whole or in part, and also personal hygiene products or household detergents if these contain a so-called ‘prohibited plastic microbead’. A microbead is defined as ‘a manufactured plastic particle of less than 5 millimetres’, also known as microplastic.

The bill is seeking to put in place what is quite a cumbersome model in a very short time framework, as has already been discussed. This bill would essentially seek to ban most plastic bags from 1 September 2017 — essentially a year away from now — and would require the minister to declare exemptions to allow some bags, such as heavier weight department store-type bags, biodegradable bags or bin liners, to be used. The bans proposed by the bill would impose significant logistical and administrative burdens on government to ensure compliance and provide for appropriate exemptions. The economic and practical impacts of implementing these bans have not been assessed. Given the broad scope of the bans and the ambitious deadlines for introduction, many business groups would most likely oppose them or express concerns about them. This is why it is important that when we are looking at these types of reforms there is an opportunity to seek views and submissions and have consultation with affected stakeholders, which obviously has not occurred to date.

Assessments of economic impacts and practical impacts of implementing the proposed bans would need to be considered as well, as would the costs and administrative implications of implementing these bans.

The scope of the ban covering all plastic bags and plastic and polystyrene packaging is considerably broader than proposals being pursued even by most environmental groups and proposals supported by the community. For example, I point out that the petition currently being promoted by Greenpeace is, I understand, calling for a ban on lightweight, supermarket-style bags only. We need to consider all of these issues.

We need to also consider what is happening in other jurisdictions, because of course many of our food retailers are national companies that operate across jurisdictions, and it is important that we consider the implications of putting in place different measures in one jurisdiction and not another. The bill would appear to make many products technically illegal in Victoria that can be sold in other jurisdictions, unless the minister exempted them from a ban and such an exemption was not overturned. Without such an exemption, products such as department store-type bags, bin liners, garbage bags, freezer bags, barrier bags, pet waste bags and the like would not be able to be supplied. The practicality of all of this needs to be considered, and obviously we need to be thinking about consistency across jurisdictions if that is able to be achieved.

I note in this respect that there have been some movements at a national level around these issues. In fact we have had some efforts from major retailers to phase out key products containing microbeads by 1 July 2018 at a national level, and I welcome the commitment that those retailers have made. There has been a national agreement achieved with industry to seek to phase out microbeads in common sources, such as personal care, cosmetic and cleaning products, by July 2018, and I think that we need to be conscious of efforts that are being made at a national level in various jurisdictions in terms of how we proceed from here.

In terms of the time lines in the bill, including the 1 September 2017 time line that is proposed by the Greens, I could not but reflect on the Greens party position when it comes to the Tobacco Amendment Bill 2016 that we are going to debate in this house, hopefully sometime later this week, and on the fact that, as I understand it, the Greens are interested in providing more time to industry in relation to compliance with measures in that bill. I do not want to get ahead of myself, given that we have not had that debate as yet, but in this case they are seeking to put in place some very tight time lines for what will be a very significant change for industry.

The fact that there are all these implications in place needs to be considered. This is why the government is not opposed to the proposition that the bill be referred to a parliamentary committee for further examination. Ms Tierney has already indicated the government's concerns around the proposed time lines for that. At the moment Mr Davis's amendments propose that the final report be presented to the Council no later than 8 November 2016. As Ms Tierney has indicated to the house already, a couple of very significant inquiries are being considered by that committee. It is important that if we are going to get a report that is going to have any value to this house, this Parliament or this state, there is opportunity for people to be adequately consulted and for the proper research to be done in terms of what is happening at a national level and what is happening across other jurisdictions, including internationally, in relation to these issues. I understand there have been some discussions with other parties around the time lines, and I think a time line looking at early next year — March 2017, as I understand it — is what is being considered.

An honourable member interjected.

Ms MIKAKOS — February, I have been informed. It would be a more appropriate time line, but even that is a very quick turnaround for an issue of this breadth and significance. I have been on parliamentary committees myself for many, many years, and I know that when we have had reports to the Parliament around significant changes that have big implications for industry, these inquiries have typically gone for about a year, and that has enabled the committees to consider the approaches from other jurisdictions, including internationally, as well as enabling them to receive submissions from those who will be directly impacted by the issues.

Can I just say to the house that I understand the sentiment behind this. I think that it is a sentiment that has been shared in terms of the common view of this house that we do of course want to reduce litter in our environment. Everybody here understands the impact that plastic bags and other litter are having on the environment and wildlife and also the impact of microbeads seeping into our waterways et cetera. So I think we need to make sure as legislators that we get this right and that if there is to be any change, there should be an opportunity for this to be done in a considered fashion so that we can ensure that it will in fact be workable in the future. It is for those reasons that the government will be opposing the bill that is currently before us.

Ms DUNN (Eastern Metropolitan) — I would like to move an amendment to Mr Davis’s reasoned amendment. I move:

For “8 November 2016” substitute “14 February 2017”.

This is in response to a range of contributions from across the chamber and discussions between parties around the workload of that particular committee, which is extensive. I can report as a member of the committee that we have two very important inquiries that are live at the moment. An extension of time I think is a better way to do justice to the Environment Protection Amendment (Banning Plastic Bags, Packaging and Microbeads) Bill 2016 in terms of having the opportunity to truly explore all the elements that the committee would need to explore so as to reveal the full extent of issues in relation to that.

Ms SPRINGLE (South Eastern Metropolitan) — It is with great pleasure that I rise to sum up on this important issue and this important private members bill that I have introduced to the house. I would firstly like to acknowledge and thank all of the members that have contributed today. It is enormously gratifying to hear such broad-based support for the intention of this bill. I absolutely 100 per cent acknowledge that as members of this chamber from very different backgrounds and parties we are going to have differing views on how we need to get to the end result that seems to be an inevitability. I also acknowledge and welcome the opportunity for this Parliament to explore the issues of industry and economy in relation to plastic pollution. It is an absolutely vital part of this equation and needs due consideration. So the fact that there has been broad agreement to send this bill to a committee for further investigation I think is a wonderful outcome for public policy development on this issue. I am very pleased with that, as a result.

There are a couple of things I would like to respond to in terms of the contributions that have been made today. They are around taking people on the journey with us and taking people from the community, industry and environment sector on the journey that we need to take to transition away from using harmful polluting plastics. I would just like to note, and I think I did say this in my second-reading speech, that the Greens in developing this piece of legislation did conduct extensive community consultation. We had over 500 submissions from individuals and community groups across Victoria for this very bill. Therefore, while I accept you can always do more and you can always hear from more people and from more stakeholders, when we were looking at this bill absolutely every effort was made to hear the voice of

the community and to take on board its feedback. Having said that, there is always more we can do, so I am absolutely gratified that the committee will take a good amount of time to look at this legislation and do more analysis of the mechanisms of the bill.

It is also worth reminding the chamber that in April this year the Senate Environment and Communications References Committee in its report titled *Toxic tide — the threat of marine plastic pollution in Australia* did definitively recommend urgent action on a national level, which included creating a container deposit scheme and banning plastic bags. So it is with urgency that we must act on this issue. While I absolutely think we need to take the community and industry along with us on the journey, we cannot delay any longer. In all honesty, that has been one of the challenges that the Council of Australian Governments process has presented us with, in that while I think everyone agrees that we need action, it is just too slow and we do need to hasten that process if we are to avoid irreparable damage. It is up for argument as to whether that is already the case. I would just like to note and acknowledge in the chamber that this is an urgent matter.

The other thing I might say in relation to industry is that it is incredibly important that we help industry transition out of the production and distribution of harmful products. That is obviously what this bill aims to do. Like with a lot of other harmful products and industries, transition is the key. While doing so in a responsible fashion, it certainly does not mean that we should not be doing something about the issue.

We also should take into account that there are other jurisdictions within Australia that have done very similar things, and there has not been a huge adverse impact upon the economy. In fact in some areas they actually found that it was very beneficial for the economy, if the transition was done responsibly. So I do not think we should necessarily look at this as a negative challenge. We should probably be looking at it as an opportunity — an opportunity to start doing things differently. Once again, I think that the investigation of the committee will illuminate some of these opportunities in a much more robust fashion.

Lastly, I would like to thank the countless groups, communities and individuals — thousands upon thousands of people who have been campaigning for a plastic ban across Victoria for many years. I would like to thank the scientists that have put a lot of their working careers into research and development around the negative impacts of plastic pollution. I would like to acknowledge them, and I would like to thank them for

their tireless work in that regard. A lot of what we have done in the preparation of this bill has relied on their work and the robustness of the solid research that they have come up with over the years. I would absolutely like to thank them and acknowledge them for their work. We could not have done this without them. We could not have done this without the community momentum that has been building over the last some years around plastic pollution and the damaging effects of that.

With that, I would once again like to thank members. There has been broad support across the chamber. I look forward to the report from the committee in February.

Ms Dunn’s amendment agreed to.

Amended amendment agreed to.

**LOCAL GOVERNMENT (ELECTORAL)
REGULATIONS 2016**

**Debate resumed from earlier this day; motion of
Mr DAVIS (Southern Metropolitan):**

That clause 38 of the Local Government (Electoral) Regulations 2016 be disallowed.

House divided on motion:

Ayes, 20

Atkinson, Mr	Lovell, Ms (<i>Teller</i>)
Barber, Mr	Morris, Mr
Bath, Ms	O’Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	Pennicuik, Ms
Davis, Mr	Peulich, Mrs
Dunn, Ms	Ramsay, Mr (<i>Teller</i>)
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Springle, Ms
Hartland, Ms	Wooldridge, Ms

Noes, 17

Bourman, Mr	Mulino, Mr
Carling-Jenkins, Dr	Patten, Ms
Dalidakis, Mr	Pulford, Ms
Eideh, Mr	Purcell, Mr
Elasmar, Mr (<i>Teller</i>)	Shing, Ms
Herbert, Mr	Somyurek, Mr
Leane, Mr	Symes, Ms (<i>Teller</i>)
Melhem, Mr	Tierney, Ms
Mikakos, Ms	

Motion agreed to.

**CRIMES AMENDMENT (CARJACKING)
BILL 2016**

Second reading

**Debate resumed from 17 August; motion of
Mr O’DONOHUE (Eastern Victoria).**

Ms SYMES (Northern Victoria) — It will certainly surprise none, given the events of this morning and the papers today, that the government will not be supporting the Crimes Amendment (Carjacking) Bill 2016, a private members bill put up by Mr O’Donohue. The government clearly understands that people are very concerned about recent serious criminal offending, which has involved offenders breaking into people’s homes and terrifying incidents of offenders dragging people out of their cars. This is abhorrent and unacceptable. It traumatises victims, and it certainly seriously impacts on perceptions of safety for communities where or near where such incidents have happened to have occurred.

Of course all Victorians should be able to feel safe and secure in their own homes. All Victorians should be able to drive around without fear of being set upon by criminals. The government is committed to ensuring that people who commit these offences are dealt with appropriately and that we send a strong message that this behaviour is not to be tolerated. That is what we are attempting to do with the bill that has been introduced in the other place. The intentions of this private members bill have merit, of course, but due to the government’s introduction of its own bill — one that has been developed in consultation with Victoria Police and that covers both carjacking and home invasion — we are of the view that that is the better way forward.

Growing up in the country, we never locked the doors of our cars and never locked the doors of our house. Upon moving to Melbourne, when I was 18, there were very clear rules that were set out by my father. It was the 1990s. I was told that there was to be no nightclubbing on King Street, that I had to avoid student protests and that I had to lock the car doors when I was driving through Melbourne. I can probably say that I am slightly more compliant with those rules some 20 years later than when they were given, but of course there is genuine concern in the community about recent carjackings, and I would probably say to all people driving around Melbourne to heed that advice, just to be sure.

In response to carjackings and aggravated burglaries, Victoria Police has established a range of task forces to tackle property crime, and they include Operation

Cosmas, which is focusing on aggravated burglary and other gang-related activities. Operation Cosmas alone has been responsible for over 150 arrests since May this year. Significant resources are being used to respond to and deal with the causes of this type of offending also.

In the most recent state government budget there was a lot of money for new police personnel. There was funding for an additional 406 police officers and 52 support personnel. Three hundred of these will be general duty frontline police deployed across Victoria. The chief commissioner has stated that the deployment of the 300 general duty police will focus on responding to local crime in growth corridors and other areas of greatest need, to be determined in consultation with the Police Association of Victoria.

The remaining 106 specialists and 52 support officers include 30 new officers and 2 support personnel for anti-gang and illicit trafficking teams; 40 new public order response team officers and 4 support personnel to increase capacity to rapidly respond to incidents involving hostile crowds; 20 new special operations group officers to increase the capacity of Victoria Police to respond to high-risk incidents, including terrorist attacks; and 26 specialist police and support personnel to operate the new 24/7 Victoria Police monitoring assessment centre. This real-time control centre will mean police can monitor and assess information immediately and respond quickly to major incidents. Twenty-four additional forensic officers are also included in this package, as are staff for two new forensic hubs that will be set up in regional Victoria to enable police to fast-track investigations into ice and other drug trafficking. There will also be 10 new fingerprint experts.

Victoria's frontline crime fighters will also be armed with state-of-the-art mobile technology to better respond to incidents of violent crime, public disorder, terrorist threats and family violence as part of the public safety package. The government is investing \$227 million in police technology, delivering upon Labor's promise to give Victoria Police the resources and the powers that they need to keep our state safe. This suite of devices and other technology will be rolled out progressively to frontline officers over the next four years. Police in the field will be able to more effectively report family violence incidents and other crimes. This is all about a modern, smart police force and has been welcomed by those that work in the force.

The third stage of the technology rollout will see frontline officers equipped with body-worn cameras to catch video evidence at the time and location of incidents. These investments in technology will help

free up our frontline police so that they are spending less time on administrative duties and more time fighting crime in our communities.

Of course with the bill today the government is further responding to violent crime, and we have created the two new offences of carjacking and home invasion. Just to elaborate on that, carjacking applies when an offender or offenders steal a vehicle and use force or threaten to use force. Aggravated carjacking occurs when the person committing the offence has an offensive weapon or they cause injury to another person during commission of the offence. In relation to home invasion, it is effectively defined as when a person, in the company of others, commits a burglary while armed or where there is a person in the house to recognise the traumatic effects on victims. The bill specifically introduces an element of strict liability in this case. There is also going to be the aggravated home invasion offence, which will apply where there are at least three armed offenders who commit burglary on premises where a person is present and the offenders know or are reckless as to whether someone is home or not.

There will be plenty of time to reflect on this bill as it progresses through the Parliament, but there are a few things to note that are relevant for today's debate. One of those is pointing out the difference between the bills in the treatment of carjacking offences in that the bill that is being introduced by the government, compared with the private members bill, places aggravated carjacking in the category of a show-cause offence. Ensuring that aggravated carjacking is a show-cause offence is very important. It means that if a person is charged with that offence the presumption in favour of bail is reversed, and they will have to justify why they should be released on bail.

It is our view that the private members bill also gets the balance wrong with the statutory minimum penalty for carjacking and aggravated carjacking. The bill applies a statutory minimum non-parole period of three years for carjacking and five years for aggravated carjacking. These levels have been set without regard to comparable offences in the Crimes Act 1958. The offence of causing serious injury intentionally in circumstances of gross violence has a statutory minimum non-parole period of four years. This is a serious offence which could result in someone being very seriously injured. It would be completely over the top for the offence of aggravated carjacking, which does not require any injury at all, to have a higher statutory minimum than an offence which has as an element the infliction of very serious harm.

In conclusion, we will not be supporting the bill today. We welcome the introduction of the government bill, which is a more comprehensive bill and a more appropriate bill that has been done in conjunction with the Victoria Police. The government will continue to work with Victoria Police on this and other matters to give them the laws they need to ensure that our community is kept safe.

Mr RAMSAY (Western Victoria) — I do appreciate the opportunity to make a contribution to this extremely worthy private members bill brought forward to this chamber by the Honourable Edward O'Donohue, the shadow Minister for Police. I congratulate Mr O'Donohue for preparing, drafting and presenting his private members bill to this chamber, because we know we have a significant crime wave right across Victoria.

Statistics tell us that the increase in crime just over the last 12 months, averaged right across Victoria, is over 12 per cent. I suspect one of the reasons Mr O'Donohue drafted the legislation specifically for carjacking is because statistics tell us that there has been an 80 per cent increase in carjackings across Victoria in the last 12 months, so we have a significant crime problem in relation to carjacking. The onus was put on the coalition in opposition to put forward a bill that would meet the urgent needs of a community facing a significant increase in a crime that is becoming all too prevalent across Victoria.

Ms Symes indicated that the government is introducing a bill in the Assembly soon.

Ms Symes interjected.

Mr RAMSAY — In fact it is all a little bit too late; you are just chasing the dog's tail. We know there has been a significant problem in Victoria in relation to carjacking. We know the statistics have indicated there has been a significant increase in carjacking, yet the government has taken nearly five months to respond to the concerns raised by Victoria Police, raised by the media and certainly raised to us by constituents in our respective electorates.

Ms Pulford interjected.

Mr RAMSAY — In fact Ms Pulford might like to know that a woman who was 31 weeks pregnant in the Geelong area was terrified by a late-night hijacking. She was pulled out of her car and dumped on the side of the Bellarine Highway.

We have seen just recently in the *Geelong Advertiser* how an elderly man, 76 years old, was carjacked in

broad daylight in Norlane. As we drive around our highways we can see cars littered along the side of the road. I had not noticed — in my very young years — how many cars are now abandoned on the sides of highways. Along the Geelong Ring Road I counted six this morning as I was whizzing down to do some of my farm work in Birregurra at 5 o'clock in the morning. There were about six cars on the Geelong–Melbourne road just abandoned. Obviously they had been carjacked and left there for the council to clean up. I see this on a regular basis while driving around my very extensive electorate of Western Victoria Region — 75 000 square kilometres of region, I might add — with lots of road networks where it is plain to see that cars have either been stolen or carjacked and left on the side of the road after being thoroughly vandalised and in some circumstances burnt.

The real concern in the community is about aggravated carjacking, where people are subjected to assault by not only having their cars carjacked but being personally attacked and pulled away from the vehicle. As I said earlier, only recently a woman who was 31 weeks pregnant was pulled out of a car and left on the side of the highway, not to mention the 76-year-old man. They are just two cases of many.

So we do have a significant problem, and that is why Mr O'Donohue saw fit to bring this bill to the house. Part of Mr O'Donohue's role is to identify and herald the significant problems associated with crime right across Victoria. He has been consulting with Victoria Police, and they have been telling us that there is a significant lack of police resources in Victoria, with the closure of many, many police stations across the state. I can cite some in my own region. Queenscliff police station has reduced hours, Point Lonsdale has reduced hours, Portarlington has reduced hours and Drysdale has reduced hours, and the communities are not feeling safe. Crime rates have gone up 33 per cent — 300 per cent in Ocean Grove, where there was a desperate need for CCTV, which has only just been funded by the federal government, I might add.

With the state government, even Lisa Neville, the Minister for Police, refuses to fund CCTV in her own electorate — in Drysdale — but is more than happy to fund \$250 000 for CCTV in St Kilda for penguins. Can you believe it? Penguins over people. It is absurd that we have a Minister for Police who, in her own electorate, has three of her police stations mostly closed during the day and refuses to fund CCTV in these high crime rate areas.

Just recently in Mr Katos's electorate of South Barwon we have seen how the Waurin Ponds police station is

only half functioning — promised 16 hours, only open 8 hours. We know there have been significant crime incursions in the Grovedale and Armstrong Creek area, where young offenders — repeat offenders in the main — have been coming out of those suburbs into the traditional safe havens of the Bellarine and the Surf Coast and committing a whole lot of crimes, including home invasions, robberies, carjackings and the like.

We on this side of the chamber have known for years now that there have been problems associated with the lack of police resources, the closure of police stations and the significantly increasing crime rate. We have been working very closely with Victoria Police to advocate for more police, more police patrols and more resources and to provide that safe haven within the community of having our police stations open on operating hours, where the community can go to a police station and be heard in relation to their concerns or seek safety in relation to potential criminal attacks.

This bill creates new offences of carjacking and aggravated carjacking, with maximum penalties of 15 years and 25 years 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. I note that is very similar to what is being proposed in the government's legislation in the Assembly as we speak. My understanding is that the penalty for carjacking under the government's bill is 15 years, for aggravated carjacking 25 years, and a maximum of 25 years for home invasion. The bills are very similar in terms of imprisonment in relation to maximum penalties, except I do acknowledge there is an extension which includes home invasion in the proposed legislation of the government. But we already have a bill here in this house that is providing the same penalties and the same acknowledgement of a significant problem in relation to carjacking. I certainly support Mr O'Donohue's bill as it comes through this chamber.

There are a couple of other issues in the detail of the bill, including the protection from cruel, inhuman and degrading punishment in section 10. The bill amends the Sentencing Act 1991 to introduce statutory minimum sentences for adult offenders found guilty of carjacking and 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, as I said.

There are a couple of other features of the bill which I want to touch on. As I said, Victoria is in the grip of a

crime wave. This has been acknowledged by all Victorians, even those on the other side of Parliament. I note that after watering down the Bail Act 1977 the government is now going to harden up the Bail Act again, so there will be more legislation. They have flip-flopped on that. The unfortunate behaviour of the Andrews government is that they have sent a wrong message to offenders by weakening the justice system, including the Bail Act, by failing to recruit enough police to keep our streets safe and by allowing police stations to either be closed or have their opening hours cut. These are all very poor messages, both for those who offend and those who are the victims of those offenders.

Until recently carjackings were virtually unknown in Victoria. I have noticed in my travels that incidents of abandoned cars and reports of carjackings have risen considerably. Even in the last 12 months I have noticed burnt-out vehicles splattered right across the landscape. Obviously the penalties currently in train are not enough to deter those who are seeking the thrill, in the main, of stealing vehicles and then raping and pillaging them, burning them and just leaving them for someone else to pick up.

Unlike New South Wales, Victoria does not have a specific offence of carjacking or aggravated carjacking, and Mr O'Donohue certainly indicated in his second-reading speech that this needs to change. For many months Victorians have also woken up daily to news of yet another carjacking incident. I noticed this morning in the *Geelong Advertiser* that there were accounts of not only a pregnant woman and a 76-year-old man who were victims of carjackings but also a spate of carjackings in the Bellarine Peninsula just in the last 24 hours. The police are reporting five carjackings in the last two months just in Geelong itself.

That is why the Liberal-Nationals coalition is taking action in an area where the Andrews government unfortunately has not. Clause 3 of the bill creates new offences of carjacking and aggravated carjacking with sentences of 15 to 25 years, as I said. 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. I think the rest has been covered.

In essence we have a significant problem not just with carjacking but with crime generally. We know the Andrews government has been soft on crime. We know they have been watering down the judiciary's sentences and acts. We know that there has been a total loss of respect for law and order, particularly by young repeat

offenders who go through the judicial system. Former Superintendent Daryl Clifton indicated to me some months ago that police are frustrated to see some of these offenders repeating their crimes within 2 hours of being sentenced or of penalties being applied to them through the court system. The problem is that there is no respect for law and order by those who want to offend — no respect for the police or for the health and safety of the community.

That is a cultural problem and that cultural problem has been enhanced by the incoming Andrews government. Something that Mr O'Donohue, to his credit, has continually raised in this house is: how do we deal with this cultural problem of a total loss of respect for law and order and what is right in our communities by, on many occasions, young repeat offenders?

We have got to harden up the sentencing and the penalties. It is good to see that this bill does that. But equally we need to make sure that we demonstrate that crime will not be tolerated in Victoria, that we have the police resources required for patrolling — to catch and process the offenders — that we have a sentencing regime that says clearly to the community that we will not tolerate those who commit crime and that those who do so will do so in the knowledge that they will be severely and harshly dealt with through the judicial system.

We will also be seeking the Andrews government's commitments in relation to the opening hours of police stations. There are large police stations such as the Waurin Ponds police station, which is only two years old. We were given a commitment that that station would stay open at least 16 hours a day. Unbeknownst to the community — and even to the Minister for Police, strangely enough — those hours have been cut. But, thanks to the good work of Mr O'Donohue and Andrew Katos, the member for South Barwon in the Assembly, and to the media attention it got through the *Geelong Advertiser*, Minister Neville did a complete and utter backflip and talked about consultation with the community. My understanding is that she is looking at trialling a restorative timetable for the opening hours of that police station.

In conclusion, I congratulate Mr O'Donohue for bringing forward this private members bill. It is certainly a way to acknowledge that we have a problem with carjacking and aggravated carjacking. We have a problem with the current sentencing model, because there is not one specific category for carjacking. It is interesting to see that Labor is now finally playing catch-up by bringing forward their own legislation to supersede this private members bill.

Ms PENNICUIK (Southern Metropolitan) — The Crimes Amendment (Carjacking) Bill 2016 introduced by Mr O'Donohue is a reasonably short, straightforward bill. It creates the new offences of carjacking and aggravated carjacking, with 15 and 25 years maximum imprisonment sentences respectively. Under clause 3 these new offences would be inserted into new sections 77A and 77B of the Crimes Act 1958. The bill also creates a statutory minimum non-parole term of imprisonment of three years for adults for a conviction of carjacking and five years for adults for a conviction of aggravated carjacking under clauses 4 and 5. They insert new sections 10AC and 10AD into the Sentencing Act which set new statutory minimums. The bill provides that if a court is satisfied that a special reason in relation to an offender, as set out under section 10A of the Sentencing Act 1991, applies, the court then has full sentencing discretion. That is pretty well the bill in a nutshell.

In terms of the context of the bill, clearly it would be horrific for anybody to experience someone invading their car, assaulting them, driving them away or stealing things from them — and Mr Ramsay was just talking about two particular examples and I know there have been others. It is clearly a horrific crime, but it is not that such things have hitherto been legal and now are going to be made illegal. We already have many offences under the Crimes Act that cover what this term 'carjacking' has come to mean. It is a term that has become part of the vernacular to describe either taking a car from a person and leaving the person behind or in some circumstances — and Mr Ramsay mentioned one and there have been others — where the person may still be in the car. It is covered by car theft. It is also covered by the offence of abduction, which is an offence under the Crimes Act.

There are also a large number of offences under the Crimes Act such as causing serious injury intentionally in circumstances of gross violence, causing serious injury recklessly, causing serious injury intentionally and/or recklessly or causing injury intentionally or recklessly, threats to inflict serious injury and negligently causing serious injury. There are also of course the offences of robbery and aggravated robbery, which have historically been used to deal with this type of offence now being covered by this term. I say that because there has been an implication in the contributions to the debate by some people that there is nothing in the Crimes Act or the Summary Offences Act 1966 to actually deal with these offences, and of course there is.

While there may be increased reporting of incidences of so-called carjacking, it is not a new offence. I can remember when I first started driving — more years ago than I care to name — that type of offence was around then. Most of the offences that are listed in the Crimes Act — and I did not mention kidnapping, which is there, or robbery, armed robbery, aggravated burglary and burglary — already cover the offences, either separately or in conjunction with each other, of the new offence that Mr O'Donohue's bill is seeking to insert into the Crimes Act and the Sentencing Act.

The Greens recognise the seriousness of these types of offences, but we do oppose, as we always do, the introduction of mandatory statutory minimum sentencing as set out in clauses 4 and 5 of the bill. As I have said many times before, mandatory sentencing can lead to unjust outcomes in sentencing, and there is no evidence to suggest that it leads to a reduction in crime. We would like to uphold the importance of judicial discretion in sentencing in conjunction with the judiciary being guided by sentencing guidelines under the Sentencing Act 1991 and the Court of Appeal guideline judgements.

In comparison with the offences that I have mentioned, such as intentionally causing serious injury and recklessly causing serious injury in circumstances of gross violence, which attract a four-year starting point, aggravated carjacking under this bill will attract a five-year minimum. The distinction between the two is not clear, since they are both extremely serious and harmful offending. It may be argued that intentionally or recklessly causing serious injury in circumstances of gross violence, depending on the circumstances of course, may be even more serious. This may lead in practice to defence lawyers trying to avoid this by resolving or pleading to a lesser charge of robbery, for example.

Mr Ramsay talked about increases in the crime rate. It is interesting to note that Victoria Legal Aid's executive director said last month that about 40 per cent of youth offences — and mostly these types of offences are carried out by young people — are committed by about 5 per cent of young offenders, suggesting a group of repeat offenders that are responsible for a large number of crimes in Victoria. Mr Ramsay talked about what we should do about that. What we do need to be doing about that is putting more resources into the youth justice system to assist the types of young people who are getting caught up in these types of offending, who are going in and out of the justice system and youth correctional centres. There are clearly not enough resources going into that and into their communities to deal with the causes of this type of offending. Just

bringing in new offences with new penalties attached to them, including statutory minimums, is not really addressing the issues of prevention. The community will be kept safer by more resources being put into preventing people being involved in these particular offences and also rehabilitating those who have been involved in those offences to prevent them from recidivism.

I note that in Mr O'Donohue's bill the new offence of aggravated carjacking mentions that a person would be guilty of aggravated carjacking if at the time they were in possession of a firearm or imitation firearm, any offensive weapon or any explosive weapon, and for the purposes of that, the definitions would be the same as in section 77 of the Crimes Act. If you look at section 77 of the Crimes Act, which deals with the offence of aggravated burglary, you find that it already lays out the same provisions in terms of aggravated burglary. What I would note, though, is that the offence of aggravated burglary seems to be limited to buildings. In fact probably the best way to deal with this issue is to broaden that definition from buildings to vessels and/or vehicles. Then you would actually have covered off on the offence that has been committed. Other offences, such as if a person is driven off in their car, would be covered by the existing offences of abduction and kidnapping under the Crimes Act.

Ms Symes spent some time on some of the other structural problems with the bill. I too would say that the bill was only introduced in the last sitting week. I note that Mr O'Donohue offered a briefing, but I was not able to attend it, which I notified him of. I also mentioned to Mr O'Donohue that this bill would probably have benefited from being referred to a committee, as we have just done with a private members bill from the Greens, but Mr O'Donohue was not open to that idea.

We believe that the Crimes Act already covers off on all the offences described under the bill as 'carjacking' or 'aggravated carjacking'. These offences already exist under the Crimes Act, and people have been prosecuted for them over many years using these existing offences.

I note that New South Wales has this particular offence in its legislation, but that does not necessarily mean it is the right way to go. I think we should always be careful and cautious about adding new offences, which are really just new ways of naming existing offences, and not confusing the statute book — particularly an act like the Crimes Act, which is a stalwart of criminal law — with a plethora of overlapping and very similar offences. Again, I say that the offences as named here have existed for a long time — notwithstanding that

there may be what has been described as a spate or increase in them — and they have been dealt with sufficiently under the Crimes Act for a very long time, so we question the need to start describing a new offence that is simply another way of describing an existing offence.

This is a little bit different from some of the offences that we have been considering, for example, in the Crimes Amendment (Sexual Offences) Bill 2016, which is still to go through the committee stage. These are actually new offences; they did not exist before in terms of technology and people are now able to offend in ways that they could not have done 10 or 20 years ago. However, this particular offence is already covered off by offences in the Crimes Act; prosecutors are already able to use that act.

I understand that the government is introducing a similar bill into the Assembly, so this issue will come back to us. We will deal with that particular bill as it goes through the various processes required in this Parliament. But in this particular instance, the Greens will not be supporting this bill.

Mr BOURMAN (Eastern Victoria) — First of all, I would like to say, ‘Well done’ to Mr O’Donohue for getting this bill to where it is at the moment. Of course I support it. I also note that the government has recently introduced its own bill in the lower house, so this is clearly not a problem that is made up.

As the Greens said, these crimes are not new; you cannot make something that is already illegal more illegal. But this bill is a recognition of the magnitude of the problem. There has been a fairly large increase in crime, as has been pointed out by the opposition many times, and with that comes a large number of offenders. Some people seem to think with these offenders that we should be looking at why they are offending, and this, that and the other. That is quite possibly the case. But we also need to look at protecting the community and that is why we have a bill like this, which recognises that there is a problem and that carjacking is almost becoming its own thing.

It used to be armed robbery, robbery, the theft of cars and a whole lot of other things. They would add up and by the time you got to court half of them had been dropped and there would be some sort of bargain to get you through the very overloaded system. Before you knew it, a fairly lenient penalty would be handed down.

However, in this case, whilst some members in this chamber are not fond of fixed non-parole periods, I am. We are not talking about minor crimes; we are not

talking about crimes where discretion is a virtue. This is a case of people pulling people out of their cars, whether at gunpoint, knifepoint or just with a threat of violence, and taking those cars. These are not kiddie crimes; these are not something someone does when they have nothing to do at lunch. These are full-on, violent crimes and they need a full-on response by the state. Hence that is why we have the proposal for non-parole periods to be fixed.

I have noticed from time to time that that concept, regardless of how unpopular it is among some people, is starting to creep in. Crime is not a problem that can be fixed by social needs, and it also cannot just be fixed by chucking everyone in jail; there needs to be a certain mixture. But, as I said, we are not talking about little crimes; we are talking about crimes where people need to spend a bit of time contemplating their choices behind bars. That is why bills like this come about.

I point out that in Traralgon, which is in my electorate, there was an attempted carjacking on Saturday. The only reason it was an attempted carjacking was that the driver had their doors locked. I have been around a while and whilst these sorts of crimes are not new — they have been going on for a while — they are just more brazen than they used to be. There is heaps going on around some of the well-to-do suburbs, which is attributed to various youth crime gangs, but I think that that is making it a very simplistic issue. There are just a lot of people who are not responding, and a bill like this provides what I see as at least a proportionate response. There are many bills starting to come through this house that are making things even more illegal from the point of view of almost making a statement. I will wind up with that and commend this bill to the house.

Mr EIDEH (Western Metropolitan) — I wish to make a brief contribution to the Crimes Amendment (Carjacking) Bill 2016. This is a very important bill to ensure the safety of Victorians across the state. We know that carjackings and home invasions have profound and traumatic effects on their victims. Our government is determined to send a clear message that such activity will not be tolerated. The new legislation will amend the Crimes Act 1958 to create new offences of carjacking, aggravated carjacking, home invasion and aggravated home invasion. The Bail Act 1977 will also be amended to include a presumption against bail for aggravated carjacking, home invasion and aggravated home invasion. This means the accused will need to justify why they should not be remanded.

The new offence of carjacking will carry a maximum penalty of 15 years, and those convicted of aggravated carjacking face a maximum penalty of 25 years. A

statutory minimum non-parole period of 3 years will also apply to aggravated carjacking. Home invasion will have a maximum penalty of 25 years, and aggravated home invasion will attract a statutory minimum non-parole period of 3 years.

In addition to this new law there is already a dedicated task force which has been set up by Victoria Police to deal with this offending behaviour. The government has also invested significant resources to help Victoria Police do its job. We understand that every single person in Victoria has a fundamental right to feel safe in their homes and while driving, and this bill reaffirms the government's commitment to community safety and security. Victoria Police has established a range of task forces to tackle property crime, including Operation Cosmas, which is focusing on aggravated burglary and other gang-related activity. Operation Cosmas alone has been responsible for over 150 arrests since May this year. Significant resources are being used to respond to and deal with the causes of this type of offending. We are proud of this legislation.

On 22 June the government announced it was looking at the specific offence of carjacking; the very next day the opposition came out and introduced a private members bill. Unlike those opposite, our legislation was developed in close consultation with Victoria Police to ensure that the law meets the range of scope required to effectively deal with these crimes. The private members bill does not include home invasion and does not place aggravated carjacking and home invasion into the category of show-cause offences, where the presumption in favour of bail is reversed. I commend this bill to the house.

Mr FINN (Western Metropolitan) — I think it would be safe to say, Acting President, that there will be any number of people who will be listening to this debate today and will be asking themselves: can Labor be trusted on law and order? And I have to say that I am one of those people, because earlier this afternoon I heard Ms Symes give a speech against this bill. I just heard her colleague Mr Eideh give a speech in favour of the bill. He clearly said, 'I commend the bill to the house'. That is what he said; he said, 'I commend the bill to the house'.

Look, if anybody wants to share their confusion as to what the hell this government is doing on law and order, this is the opportunity. This mob over there have not got a clue. They have no idea. They do not even know which bill they are debating. How can we trust them to protect us from carjackings when they do not even know which bill they are debating? God help us! What has Victoria done to deserve the Andrews

government? What have we done? We must have been very, very bad in a previous life. That is the only thing I can put it down to.

Now, we know that carjacking is on the increase. It is almost the flavour of the month at the moment. The police have advised us — in fact the chief commissioner has publicly stated — that he would not drive anywhere without his car doors being firmly locked. I think that tells us the sort of environment that we are living in in 2016 in Victoria, and I want to commend Mr O'Donohue and the opposition for bringing this bill forward, because it does show that here on this side of the house we have a group of individuals who do actually want to do something about the crime wave in this state. We do actually want to protect the people of Victoria, and we have got plans to bring that about. We are genuine in our desire to ensure that those who commit crimes are given the appropriate penalties, and this bill is a good example of that. So I commend very warmly Mr O'Donohue on his initiative in bringing this bill forward.

We all know that Labor has a very strong record on crime: it is soft on crime, always has been, is now and I would suggest always will be, for reasons that are totally lost on me. Some have suggested they are trying to look after their own constituency, but I think for the Labor Party to continue down the track of protecting criminals, of discarding the interests of victims, is something that no Victorian can tolerate, unless of course you are a criminal or a Labor voter or both.

We have here in this bill that Mr O'Donohue has put forward an opportunity to make a very clear and unambiguous statement that we are not going to put up with carjackings and we are not going to put up with people who feel that they have some God-given right to steal other people's cars while they are driving them. Would that not be a terrifying experience? You can imagine driving home from the movies one night or the footy or wherever you might be. You pull up at the traffic lights, another car bangs into the back of you and the next thing you know three or four people are pulling you out of your car and driving off with it. I would suggest that there would be some serious psychological impact on anybody who goes through that.

Unfortunately until Mr O'Donohue brought this bill before this house we did not see any action from the government at all, and as we have seen here today, they are still grossly confused about what they want to do and what they do not want to do — no idea at all. I think the expression is NFI in the general community, and that pretty much sums up the Labor Party's general view of the world. They have not got a clue. We saw

that with the 'no body, no parole' legislation that went through this house and then went to the other house, where the Premier, Dictator Dan, would not even allow it to be debated. He would not even allow it to be read a first time. That goes to show what the Labor Party's real attitude to law and order is in this state. As I said before, they are soft on crime — they have always been soft on crime — and I do not see any evidence at all that they will change that view anytime soon.

As I said, I commend Mr O'Donohue for bringing this legislation before the house. I think it will bring great comfort to a great number of Victorians, knowing that at least one major party in the state cares about them. It will bring great comfort to many, many Victorians, knowing that there is one party in the state that wants to bring law and order back to our streets — and it is certainly not the government. I think that is an indictment of the Labor Party — and the Greens of course. On these matters of law and order the Greens and the Labor Party work hand in glove. They are brothers and sisters in arms, and they will work assiduously to undermine the police and to undermine law and order in the state. That is something we have come to expect from them over a long period of time.

I say to Mr O'Donohue, 'Well done', and I look forward to this legislation being passed by this house very soon and hopefully moving into the other place and becoming law.

Mr HERBERT (Minister for Corrections) — We have just heard a contribution based on what seems to be the opposition's approach now to serious issues in society, which is: 'Let's think up a simple solution to a complex problem, and let's try and con people'. That is the attitude they have. 'Let's have a simple solution to a complex problem, and let's say "Hey, here it is! Nirvana!"'. Well, it is absolute rubbish.

I say to you this government takes carjacking seriously. We take the whole issue very seriously, but we do not take the opposition's approach to this seriously at all. We have seen a rise in carjackings in recent years, and we have seen a rise in home invasions and aggravated burglaries as well. We all know this — it is public commentary — but what we have seen here is not a bipartisan approach. They want our support, but we will not be supporting this bill. Quite frankly, it is no good. It is not up to scratch. It is a simple solution to a complex problem that does not solve the problem, and we will not be supporting it.

Let us look at the facts. The government says it is bringing in legislation, and quick as a flash, the opposition once again says, 'We'll slip something into

the upper house, no matter how rubbish it is, no matter how poorly drafted it is, no matter how lacking in research it is, and we will try to get in there and pick up some political points beforehand'. It does not work, guys. No-one is going to have any faith in you unless you have got real solutions to real problems and unless you actually think about what you are doing. If you want to have a bipartisan approach to it, then do not take your silly little jibe approach to very, very serious issues. It is a rush job, it is not up to scratch and it is no good.

Mr Finn interjected.

Mr HERBERT — Why don't we talk about a joke? Why don't we talk about the problems with this bill that you over there are trying to gloss over? The first one is it does not include home invasion. That is where crimes are. It is affecting a whole heap of communities right across Melbourne, particularly in the western suburbs. It does not include that, Mr Finn. I did not hear that in any of your comments in your contribution to this debate.

It does not place aggravated carjacking and home invasions in the category of show-cause offences, where the presumption in favour of bail is reversed. Mr O'Donohue knows this very, very well. It means that under this bill some offenders who have gone in and terrified families in their homes or in their cars to get their cars are more likely to get bail, not less — more likely. It has not been thought through in that regard. For those two reasons alone we would not support this bill. The bill we have introduced has included this. I gave Mr O'Donohue a heads-up late last night: 'Read the papers, and it's all outlined. It has been introduced'.

Ms Wooldridge interjected.

Mr HERBERT — Well, you live in your own little world. You might as well get some facts.

Then we have a look at the issue of minimum statutory sentences, and it is clearly out of whack. Mr O'Donohue should know this, being a former minister and representative of this house. When you have a look at their statutory minimum sentence of five years, it is way out of whack with legislation they brought in themselves about causing serious injury intentionally and causing serious injury recklessly in circumstances of gross violence — very serious offences that have serious injury associated with them. They brought in a bill with a statutory minimum sentence of four years. Yet here they are, for less serious offences that do not have that sort of major

violence associated with them, wanting to make it five years. It is out of whack.

You cannot have a justice system in this state where you just come in with any little dinky idea, poorly thought out and not fitting in with the justice system, and expect this Parliament to accept that type of second-rate, lowbrow, poorly thought out legislation that simply will not fix the problem. I am sorry, but no-one is going to do it.

We think three years is an appropriate sentence for aggravated carjacking. We have looked at it. It fits in with the scheme. We have had a good look at this. We are not on about political pointscoring whatsoever. We have a bill before the house. We have a bill that will come through that is clearly thought out, that fits within our justice system, that meets the needs of what is happening out there in the community and that is a deterrent and an appropriate response. It is so much better than this bill, and we will not be supporting this bill in this house.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to respond to the speakers who have contributed to debate on this bill. Indeed the issue of carjacking in our community is an important one. I would like to thank Mr Ramsay, Mr Finn, Ms Symes, Minister Herbert, Mr Eideh, Ms Pennicuik and Mr Bourman for their contributions on this bill. I would particularly like to thank Mr Eideh for expressing his support for the legislation. I look forward to him crossing the floor and joining the opposition in voting in favour of this bill, as he very clearly articulated in his contribution during the second-reading debate.

I regret the tone of the Minister for Corrections in his contribution to this debate, because this is an issue that should have bipartisan support. This is a bill that was introduced to this place back in June. The second reading took place a couple of weeks ago. Yet, like the Corrections Amendment (No body, no parole) Bill 2016, and despite the offer of a briefing to members of the government, there has been no interaction with the government at all. So for the minister to come in and say the opposition is playing politics with this issue is a bit churlish. Frankly, when you look at the bill the government has introduced today you see that in large part it copies this bill that I have put before the house, but the minister says that this bill is not well thought through and is 'a simple solution to a complex issue', to use his words. However, the minister has in large part mirrored what the opposition has put forward: the 15 and 25-year maximum period of incarceration and the 3-year statutory minimum for the carjacking offence.

Mr Finn interjected.

Mr O'DONOHUE — Mr Finn, Minister Herbert thinks five years is too tough for an aggravated carjacking. He thinks five years in jail is too much for someone who might, with a weapon, steal a car and commit a carjacking. The opposition disagrees. We very seriously disagree. We think the statutory minimum is appropriate. A tougher statutory minimum is appropriate. Mr Herbert needs to get out of his ministerial office and go and talk to the people who have been the subject of these horrific crimes. He is out of touch. The government — with the exception of the Deputy President — is out of touch. We acknowledge and thank him for his support of this bill.

Carjackings in Victoria are up 80 per cent. To go to Ms Pennicuik's principal point, that the statute books already cover these issues, clearly Victoria Police and from their comments government members welcome a specific offence, given the rise in carjackings that are taking place in Victoria. The stakeholders I have engaged with, from the Police Association Victoria and others to members of Victoria Police, welcome having this option at their disposal, the message it sends to offenders and the option it gives Victoria Police to charge people with this very serious offence.

Minister Herbert gave me a heads-up to look at the *Herald Sun* last night. Indeed I had a very good read of the *Herald Sun*. I had a read of the statement by the member for Brunswick in the Assembly, Jane Garrett, yesterday afternoon. Then I re-read it on the front page of the *Herald Sun*. Then I read the commentary about what Daniel Andrews thinks of Jane Garrett, what Jane Garrett thinks of Daniel Andrews and what Peter Marshall thinks of Jane Garrett et cetera. I thank the minister — —

Honourable members interjecting.

The ACTING PRESIDENT (Mr Elasmarr) — Order! Mr O'Donohue will stick to the bill. That is not relevant.

Mr O'DONOHUE — I thank the minister for the heads-up. Indeed I did read — —

Mr Finn — Was it a good read?

Mr O'DONOHUE — It was a very good read, Mr Finn.

As you requested, Acting President, I return to the debate and the topics at hand today. Under this government we have seen crime up over 12 per cent and carjackings up over 80 per cent. We have seen the

repeal of the move-on laws and the disastrous consequences that has had. We have seen the government fail to act following the Boulton Court of Appeal decision in December 2014 in relation to the expansive nature of community correction orders. We have seen the government water down and reverse the juvenile bail reforms of the coalition government, with detrimental consequence and indeed the Chief Commissioner of Police of Victoria at odds with the Attorney-General on that issue. We see police station after police station either close their doors or have their opening hours cut under Daniel Andrews.

As I said yesterday, it is remarkable that in two very high population growth and very high crime growth areas, Waurm Ponds and Endeavour Hills, last week the two police stations had their opening hours cut under Daniel Andrews. It sends the wrong message to offenders and it sends the wrong message to the community. Frankly, Victoria Police are stretched as a result of one of the first acts of Daniel Andrews when he became Premier, which was to turn off, stop and halt the recruitment process at the police academy that saw the 1900 additional police delivered under the coalition government stopped. Now we see the consequences. Police stations are reducing their services to the community through reduced opening hours, police are absolutely stretched beyond capacity in many of our growth corridors, and when the opposition brings in a piece of legislation to try and address this issue, the government votes against it. I think that is very disappointing. It is not in the interests of the community.

Mr Mulino — We want to get it right.

Mr O'DONOHUE — I pick up Mr Mulino's interjection. The government has in its bill today emulated the main parts of this bill. The government has copied the main parts of this bill that I bought to the house.

Mr Finn interjected.

Mr O'DONOHUE — I have got to ask myself, Mr Finn, with all the resources — the meagre resources — of opposition, if the opposition was able to put this bill together and have it ready for the new session of Parliament, what has government been doing? What was the government doing —

Mr Mulino — Pat yourself on the back.

Mr O'DONOHUE — I am not patting myself on the back. I am merely asking what government members have been doing during the seven-week break besides knifing each other, backstabbing each other and

maybe going on overseas study tours. Very little legislation drafting was going on, clearly.

This is a very important piece of legislation. The issue of carjacking is very important, and the community has genuine concerns about community safety. We as a Parliament need to respond to those issues, and this is one way that we can do it. I would call on the government to follow the lead of Mr Eideh and support this bill.

Let me just conclude by saying that I am pleased this bill is before the house. I hope the government change their view and support it. I hope we do not have a repeat of the government's decision to vote down, incomprehensibly, the no body, no parole bill, as they did during the last sitting week. This is an issue on which we should come together. It is an issue that the government should support, and I commend the bill to the house.

House divided on motion:

Ayes, 19

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

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 (<i>Teller</i>)
Herbert, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms

Motion agreed to.

Read second time.

Third reading

The PRESIDENT — Order! The question is:

That the bill be now read a third time and do pass.

House divided on question:

Ayes, 19

Atkinson, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Bourman, Mr (<i>Teller</i>)	Ondarchie, Mr

Carling-Jenkins, Dr
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr
Finn, Mr
Fitzherbert, Ms
Lovell, Ms

Patten, Ms
Peulich, Mrs
Purcell, Mr
Ramsay, Mr (*Teller*)
Rich-Phillips, Mr
Wooldridge, Ms

At 2.00 p.m. Questions
Answers to questions on notice
Constituency questions
Government business (continues)

Noes, 18

Barber, Mr
Dalidakis, Mr
Dunn, Ms
Eideh, Mr
Elasmar, Mr
Hartland, Ms
Herbert, Mr
Leane, Mr
Melhem, Mr (*Teller*)

Mikakos, Ms
Mulino, Mr (*Teller*)
Pennicuik, Ms
Pulford, Ms
Shing, Ms
Somyurek, Mr
Springle, Ms
Symes, Ms
Tierney, Ms

D. Time limits — general business

The following time limits will apply to general business:

Mover/sponsor 60 minutes
Main government party lead speaker 60 minutes
Other lead speakers 45 minutes
Remaining speakers 15 minutes

Question agreed to.

Read third time.

BUSINESS OF THE HOUSE

Standing and sessional orders

Ms WOOLDRIDGE (Eastern Metropolitan) — I move:

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

(1) Further to the sessional orders adopted by this house on 12 February 2015 and amended on 17 March 2015, 15 April 2015 and 16 April 2015, the following new sessional orders be adopted:

A. Days and hours of meeting

Standing order 4.01(1)(a) is suspended to the extent necessary to provide that the day and hour of meeting of the Council will be at 12.00 p.m. on a Tuesday.

B. Interruption of debate

Standing order 4.07(1)(a) is suspended to the extent necessary to provide that the President will interrupt the business before the house at 6.30 p.m. on a Tuesday.

C. Order of business

Standing order 5.02(1) is suspended and the following order of business will apply on Tuesday:

- Messages
- Formal business
- Ministers statements (up to 5 ministers)
- Members statements (up to 15 members)
- Government business

- (2) The foregoing provisions of this resolution —
 - (a) so far as they are inconsistent with the standing orders or practices of the Council, will have effect notwithstanding anything contained in the standing orders or practices of the Council; and
 - (b) come into effect from the next sitting Tuesday following the adoption of the resolution.
- (3) The Clerk is empowered to renumber the sessional orders and correct any internal references as a consequence of this resolution.

It is a detailed motion, but effectively what it is seeking to do is two things. Firstly, it seeks to change the hours that this house sits on a Tuesday. I need to stress very clearly that there would be absolutely no loss in terms of the debate time available to the house. What this motion merely seeks to do is have this house commence at noon rather than at 2.00 p.m. — so 2 hours earlier. Instead of concluding at 10.00 p.m., you would think we would conclude at 8.00 p.m., but because we currently have a dinner break from 6.30 p.m. to 8.00 p.m., effectively these changes would see the conclusion of the sitting day at 6.30 p.m. This in no way precludes and very much still allows the capacity of the government to extend the sitting for 2 hours or two lots of 1 hour should they choose to do so and to then go on the adjournment. What it means is that instead of seeing what is repeatedly occurring — this house concluding well after midnight on a Tuesday night — if the government were to choose to extend those extra 2 hours and then go on to the adjournment, we would conclude at 8.30 rather than at midnight, which I think would make a very significant difference for members, for staff and for everyone connected to this house.

The first part of the motion relating to the sessional orders seeks to achieve that change in the time of the sitting. I cannot stress strongly enough that there would be exactly the same amount of time for debate. There is no change in that. It is just that by not having the hour-and-a-half dinner break and by starting 2 hours earlier, the house would be able to conclude earlier than it can under the current standing orders.

The second element of the motion relates to time limits in general business. It is fair to say, having had a look over the history of time limits for general business, that this has varied in each Parliament. There have been constrained times in relation to how long there is for general business and there have been time limits for individual speakers, and that has varied — the numbers and amounts for each of them. What this motion proposes is that the time limits that apply to general business on a Wednesday would be the time limits that apply to government business on a Tuesday and Thursday. That will mean that the time that lead speakers, crossbenchers and members have would be equivalent across the three days of the Parliament.

That is the substance of these two sessional order changes. We put to the house that these are very reasonable, sensible changes that do not have a significant impact or put additional workload on the government, and they do not in any way seek to demand more of the government. It is fair to say that we have been talking about a range of sessional order changes. These sessional order changes have been on the agenda over a series of Procedure Committee meetings. In fact I can say that these changes plus some others were on the agenda for the 26 May meeting, for the 9 June meeting and for the 21 June meeting, so they are well known to members of the Procedure Committee. They have also been circulated and discussed amongst crossbenchers, so everyone is aware of these suggestions.

Unfortunately, and without revealing the details of the deliberations of the Procedure Committee, those first two meetings were not convened; a quorum was not achieved because the Labor Party members chose not to attend. In the third meeting, when there was a quorum, there was heated and extended discussion in relation to the sessional orders, and a conclusion was not able to be reached. But this information has been available to government members and to all members for many months and there has been an opportunity to discuss it.

One of the concerns with some of the other sessional order changes was that they asked for additional work from ministers. To reflect the government's concerns in

relation to that, we have removed those suggested changes to the sessional orders. We are happy to engage further in terms of those discussions, but we did feel that it was important that these two sessional order changes, which do not impose additional demands on the government, were worth putting to the house and debating because of the difference they would make to the functioning of the house and to the capacity and ability of members to function effectively, instead of having continuous very late nights, and they would also improve the capacity of members to work through general business on Wednesdays.

I thought it was a little bit unfortunate last sitting week that the Deputy Leader of the Government suggested that these sessional orders had been without discussion. That is in fact not the case, as I have outlined in great detail. In relation to sitting hours, this is, interestingly, something that has been done in the other place — to good effect, I would say, for many members of that view. I believe it was the view that it was not done in this place because there was some concern about whether it would be supported by the house or not. There have been ongoing discussions, I suppose in the context of repeated late nights. I understand there is quite a lot of support for this change which is proposed today.

Of course it was an election commitment of the government that they would look at sitting hours being, as they described it, more family friendly, and I would contend that those issues that had arisen for the lower house are equally applicable to the upper house in relation to the sitting hours that we have. There have been some wonderful quotes over time — for example, from Jacinta Allan in the other place:

I also welcome the changes that will allow us to have more reasonable sitting hours ... Late-night sittings can be extremely draining, particularly for country members of Parliament. It is not so much that you have to come back the next day, it is the long drive home at the end of the week. I welcome the changes.

That was from Jacinta Allan. Matt Viney, all the way back in 2011, said:

I will say that on one occasion, when I was a member of the other place, after a very late night sitting I had a car accident. It was not that night that I had trouble driving but in fact on the way to Parliament House the next morning. It is not acceptable for members to be doing things like that. Fortunately on that occasion it was a very minor accident and nobody was injured, but it might not have been so minor.

Even Shaun Leane, a member of our house still — I will not quote him in detail — actually said he got the library to do some research about people who had been awake and active for 17 hours and their condition in

relation to reactions and consciousness, and he compared it to someone who had a blood alcohol level of .05, essentially saying that the fatigue sets in. We all want to be as alert and effective in this place as we can possibly be. I must say I certainly concur with those views.

The reality of the situation is that in the 28 sitting weeks we have had of this Parliament, on 13 we have had the sitting extended on a Tuesday night. That has been even more prominent, I suppose, when you look at this year. Of 11 sitting weeks, on 7 we have sat late, 4 of which have been after midnight. In fact in 7 of the last 8 sitting weeks, on a Tuesday night the sitting has been extended. So what we are seeing is a practice of the government choosing to extend the sitting — and often, as it was last night. I think it was 12.42 a.m. when the house concluded, leaving, realistically, little time for people to get home, wind down, get some sleep, come back in and be bright and bushy-tailed for the challenges of a sitting Wednesday. That is a challenge.

Given that there is a solution that enables us to maintain the hours of debate but just shift those hours, we believe that is a very sensible approach. We have suggested that question time remain at 2 o'clock, meaning that we would get on with the business that we have each sitting week to get things underway and would maintain that separation between the lower house and the upper house in terms of the sitting hours. That is why we are proposing this element.

In relation to the changes of the hours in general business, as I have said, we are proposing that they be equivalent to the hours of government business or the times in government business that people have to speak. The reality has been that there have been times that the government has chosen to filibuster in relation to some of the motions that have been put forward. We have had examples, particularly from Mr Mulino and Mr Dalidakis — I have got to say, of varying quality — of over 2 hours on a single motion. We have had extended time. I have got to say Mr Melhem has good performance in terms of extended filibustering, along with Mr Leane and others as well.

The proposal put forward is that it is reasonable that both the proposer — the mover — of the motion plus the government lead speaker should have an hour. That is still a very substantial amount of time in which to put all the arguments. Lead speakers from other parties get 45 minutes, and then all speakers can enjoy 15 minutes to make their contribution. We believe that is very reasonable. It is consistent with what happens in government business and would lead to a good way that we can manage the general business agenda.

The reality of the fact is that we have a more diverse Legislative Council than we have ever had before. I often proudly say we are the second most diverse, after the Australian Senate. We have a lot of parties, we have a lot of members and we have a lot of crossbenchers, all of whom wish to be able to engage on a range of issues and make a contribution to a range of motions and bills. This is genuinely a way, I think, of managing the general business time so that we can ensure that all members have the opportunity to move their motions, have them genuinely but reasonably debated and have them dealt with by this place.

I put to the house that these are a very reasonable set of changes. They do not impose additional, onerous responsibilities or time-consuming activities on the government. They have been circulated now for approximately three months, and we put them forward as a reasonable way to progress as we refine and improve the way this house operates so that we can be effective legislators and effective parliamentarians and effectively represent our communities in this place.

Ms SYMES (Northern Victoria) — I too rise to make a contribution on Ms Wooldridge's motion 296 in relation to the changing of the sessional orders. The stark and glaring absence of a policy agenda or plan for Victoria's future has never been so evident in relation to those opposite. There is a massive absence of policy agenda. Instead they are much more interested in immature schoolyard antics known as game playing and pointscoreing. No aspect of the proposal that is before us today adds an iota of value to those Victorians that rely on the Parliament to stand up for them. This is just one of the priorities of this opposition.

There is nothing in this motion that creates jobs, it does not deliver much-needed infrastructure, it does not deliver health services, new schools or teachers, it fails to respond to family violence, it does not support struggling sectors of the economy, it does not grow our agriculture sector, develop our regional communities or make life in any way easier for the hardworking Victorians across this state. It is simply another exercise in self-serving navel-gazing from an opposition with no plan, no vision and nothing but a negative voice for Victoria.

We as a government have sought to achieve a collaborative approach to the operations of this chamber and to this house. We have consulted and held conversations, but it is increasingly obvious that, with little else in the way of a plan for the future, those opposite are going to assume an obstructionist, objectionable manner that bears all the hallmarks of a fist-banging, angry two-year-old determined to get their

way. Opposition members have a hold of the rule book, and with the crayons in their hands they wish to rewrite the way things work. Of course like the average tantrum-addled toddler, they have not discussed or deliberated on the changes they want; they just want changes and they want them now. We as a government do not bow to these types of spoilt tantrums, nor do we consider substantive changes to the operations of this house without due consideration and contemplation.

I do not believe I heard Ms Wooldridge refer to whether she has sought the views of the staff, for instance, in relation to these changes. I did not hear any instance of the impact on the staff; all I heard was that it would be good for the government and will not add any extra work for the opposition. I heard that it would be good and reasonable, but I did not really hear a detailed view of what the impact will be on staff. I have not sought the view of the staff either, and I would not presume to guess what the staff's views are in this matter, because I have not done this yet. In its knee-jerk proposal before us today it is clear the opposition has forgotten that a good government reviews and considers the facts, the impacts and the outcomes on all of those who may be affected.

If this is a proposal of real value with benefit to the operations of this chamber, it is fair to ask the question why this was not done during the last Parliament when the government was theirs. But as we know, this is not about what we should do; it is about what we can do. We in the government were given a bare minimum of notice on these proposed changes, and never have we been engaged in a discussion on the substantial suggested amendments. These changes failed to follow respected protocols that would have seen a collaborative, all-party discussion on how to improve the functions of this house.

These changes do not seek to deliver an agreed balance on the rights of the government to present its legislative agenda with the rights of non-government MPs to raise their own concerns. In what is pure and poor politics, this proposal is a desperate attempt by the Liberals and The Nationals to assert their own control over the operation of this chamber, and in particular the manner in which the government pursues its own legislative program.

The Andrews government has already delivered significant changes to the way our Parliament works, with transparency reforms including establishing a non-government majority on the Public Accounts and Estimates Committee, providing additional resources to support the crossbench and Independent MPs and ending the regime of FOI secrecy that was run from

Ted Baillieu's and Denis Napthine's own private offices — and was that not a disaster?

We have also delivered on our promises to appoint a non-government MP as chair of Parliament's Accountability and Oversight Committee, as well as the Independent Broad-based Anti-corruption Commission Committee — both committees of which I am a member. We have doubled the number of questions to opposition MPs by introducing supplementary questions in the Legislative Assembly and giving the Speaker and President the power to require additional information from ministers if their answers are deemed insufficient.

We are serious about governing this state effectively and maturely without game playing and pointscoreing distracting us from our true purpose, but with the needs and wants of Victoria guiding our agenda and actions. I am not saying there is no merit in some of the proposals that were mentioned earlier. Who does not want family-friendly hours? Who does not want business being run as set out in some of the suggestions here? I am merely saying that this is not a matter of collaboration and of wanting the best for the Parliament. This is a matter of opposition members wanting what they want because they can have it.

A much more appropriate way would be to deal with this maturely, collaboratively and collectively. There are lots of things that we could be looking at that would improve the Parliament for all parties on all sides. I would suggest that that is the way to proceed and not just forcing things through with a sledgehammer. The government will not be supporting the motion as put today.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on this motion. There is not a lot of time available for the debate, so I will not go over all of the points made by the mover of the motion, Ms Wooldridge, except to say that the matter has been discussed widely in the chamber and in the Procedure Committee, which has failed to deal with it as well as a large number of other items that are on the agenda of the Procedure Committee.

I acknowledge the points that Ms Symes made about the changes the government has made in terms of committees, in terms of questions and introducing constituency questions. They are all good things, but it does not mean we should stop there. This chamber is in charge of its own destiny in terms of the standing orders, so I think it is appropriate, if the Procedure Committee is not able to meet and report on the

recommendation to the Council, that we pick out the most important ones.

These are two of many things that are on the agenda of the Procedure Committee that are important. One is to institute family-friendly hours in the Council. I will not go over what Ms Wooldridge has said. People can look at how many times we have gone past midnight, but I would say that that was a feature of the previous government too, so it has a long and sorry history.

In terms of the staff, there may be differing views amongst the staff. I know when we do stay here till midnight I get a lot of complaints from staff members, but other staff members may have different views on that. Nevertheless, we are in charge of our destiny in this regard.

There has been a long history with regard to time limits in general business. I have generally been in favour of not having time limits. The strict time limits set out in the motion represent the time limits that already exist for government business, so it is good to use the same formula. I was in favour of having no time limits in general business where, for example, speakers on private members bills and motions might want to go a little bit past the 15 minutes if they were particularly interested in an issue. This would allow people to go for 20 minutes, but it would also allow people to go for 2 hours and 3 hours and longer, and that really has — —

An honourable member — They were special cases.

Ms PENNICUIK — They were special cases. That has led people mainly to come back to the idea of using the same time limits that apply to government business. With those few words, the Greens will support the motion.

Motion agreed to.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Country Fire Authority: report 2014–15

Mr MORRIS (Western Victoria) — I rise to make a statement on the *Country Fire Authority — Annual Report 2014–15*. In doing so I would like to pay homage to and express my great thanks for the great work that Country Fire Authority (CFA) volunteers do across the breadth of Victoria to protect all Victorians, not only throughout the dangerous fire season that we have each year in Victoria but also throughout the

whole year. I do note that Craig Lapsley has been reported in the media today as saying that it looks as though the upcoming fire season will be an exceptionally dangerous one, so it is incredibly important that our volunteers are willing and able — as they always are — to protect our communities. Fires can certainly ravage communities, and it is our CFA volunteers who know best how to protect their communities from the ravages of bushfire.

I also want to make note in passing of some of the startling revelations that have been reported in the media and indeed also occurred in the other place during this past week. I certainly found a very interesting report in the *Herald Sun* yesterday regarding advice that had been presented to the Premier, Mr Andrews, on the way that Mr Marshall, the secretary of the United Firefighters Union, had been behaving. In this particular memo to the Premier, John-Paul Blandthorn — one of the advisors to the Premier, I believe — had made mention of some of the things that Mr Marshall had been up to, and Mr Blandthorn expressed severe concerns about them. I will quote from a section of this private office memorandum:

You may consider asking Marshall to be more respectful to all ministers, members, staff and departments and to treat them with the respect that he would demand himself.

That statement seems to paint Mr Marshall as somewhat of a hypocrite, somebody who demands that he be treated with respect whilst bullying and acting in a thuggish manner to everyone who has the misfortune to be in his presence. That was quite a startling revelation, particularly after the Premier himself had been asked in question time whether or not he had been aware of any circumstances in which complaints have been made about Mr Marshall's behaviour. Mr Andrews was unequivocal in saying that no such complaint had been made to him, despite the fact that one of his own advisers had written a confidential memorandum that found its way to the *Herald Sun* and that was indicative of the exact point — that Mr Marshall was behaving inappropriately, and indeed that it appeared that Mr Marshall had been behaving inappropriately to many people.

Ms Garrett, the then Minister for Emergency Services, released a statement yesterday about some of the ways she has been treated and some of the goings-on. This statement refers to the document that was quoted in the *Herald Sun*:

The contents of the document are, unfortunately, not a surprise to me and I pay respect to JP Blandthorn who always looked out for me — —

maybe in stark contrast to the Premier —

including brokering an arrangement that Mr Marshall would not make contact with me during the September 2015 school holidays in light of Mr Marshall's distressing conduct towards me during the Easter break of that year after I refused to intervene in a disciplinary process regarding a commander accused of distributing pornographic and racist images.

What we have here is a member of the government effectively accusing Mr Marshall of bullying and intimidating her, and the member of the government also claiming that she needed someone from the Premier's own office to stand in and protect her.

I also note that in this current statement she also makes reference to the fact that there are:

... allegations that Mr Marshall threatened to put an axe in my head ...

When I read that Ms Garrett herself has put out a statement with that exact allegation in it, I can tell you that that certainly is damning of Mr Marshall. Indeed the condemnation of the way the Premier, Mr Andrews, has handled this situation could not be more evident than it is from Ms Garrett's statement.

Auditor-General: *Monitoring Victoria's Water Resources*

Mr ELASMAR (Northern Metropolitan) — I rise to speak to the Auditor-General's report *Monitoring Victoria's Water Resources*, which was tabled in May 2016. The report pertains to the implementation of long-term water quality programs for the Port Phillip and Western Port catchment region. Overall the audit found that there was still a lack of coordination within three major portfolio areas: the Department of Environment, Land, Water and Planning; Melbourne Water; and the Environment Protection Authority. These agencies are specifically charged with a complex though effective network of programs which provide clean water to Victorian industry and the people located in those areas. It would appear there is no clear lead agency within those portfolio areas with the overall authority to institute or establish statewide policy objectives, and in all likelihood the lack of a clear leadership is responsible for the non-formalised and non-quantified plan for the future of water quality in Victoria as a whole. The audit report found that those bodies are essentially doing a good job but that the emphasis of the delivery of services is local rather than statewide, and that this needs to change.

However, according to the report, it is fair to say that all water agencies have worked collectively and cohesively during the process of the audit, leading to positive

agreement about what the fundamental stumbling blocks are and to the development of a joint agency action plan to address those problems. I am pleased that, in consultation and with collaboration, acceptance and acknowledgement by these agencies of past discrepancies has occurred. I am confident that coupled with their robust commitment to addressing problems identified by this audit, this will ultimately result in an improvement in the effectiveness and efficiency of long-term water quality monitoring programs in Victoria.

The Auditor-General has listed several highly desirable recommendations aimed at vastly improving communications and monitoring of statewide water quality programs. In hot, dry and dusty Australia, water is the life blood of the nation. Without first-class drinking water we would all be in grave trouble literally, so I am grateful more than critical for the efforts of dedicated public servants who do their utmost to provide life-sustaining uncontaminated water for our consumption. I salute all our Victorian water agencies who strive to ensure that our water is clean and drinkable and that our farmers have enough water to irrigate crops and safeguard cattle for our meat-eating consumers. I thank the Victorian Auditor-General and fully support the recommendations contained in his audit report.

Auditor-General: *Enhancing Food and Fibre Productivity*

Mr RAMSAY (Western Victoria) — I am pleased to make a contribution on the Auditor-General's report entitled *Enhancing Food and Fibre Productivity* dated August 2016. I do so not only because I want to identify some of the findings from the Auditor-General's conclusions and recommendations but also as it gives me an opportunity to acknowledge what an important sector the food and fibre sector is to the Victorian economy and for the health of the Australian economy. It is very timely given that we have seen the commonwealth Treasurer clearly indicating that Australia is living beyond its means. The value of our exports and our productivity is critical to clawing back the debt this country currently has and also in trying to reduce deficit, and in the end its net public debt.

In Victoria we have over 36 000 businesses involved in the food and fibre sector which employs over 190 000 people. In 2014–15 exports were valued at just over \$11.6 billion, and that is 27 per cent of the total Australian food and fibre exports. But the issue the industry is finding, and this is identified in the report, is that the rate of productivity is decreasing.

The only real advantages Australian farmers have generally to compete in a global market are research, development, innovation and commercialisation. We, as Australian farmers, do not have subsidies like our European competitors. We do not have support mechanisms like our US counterparts. We do not have quotas and tariffs like Asian countries. We are at a disadvantage when we are talking about a level playing field in the national global arena of the export market. The deals and the agreements that were the legacy of Andrew Robb, when he was the federal Minister for Trade and Investment, have been quite substantial for the food and fibre sector. The bilateral and multilateral agreements and trade agreements that have been successful with the US, Japan, China and Korea have meant that there is more of a level playing field in relation to our exports going into those countries.

The Auditor-General noted in this report that it was critical that state-funded agricultural research and development aligns with state-nominated roles within the national primary industry's research development and extension framework — quite a large mouthful of words. It is very important that whatever we do in the state should complement and be consistent with the national framework that is set up to provide research and development for the industry sector. The Auditor-General found that the framework models, while sound, were not consistently applied by the department, limiting the evidence base to underpin its investment. There was no quantity of key performance measures that could be evaluated, given that the department responsible for the food and fibre sector was not providing evidence-based responses to its investment under the models that it was applying.

The Auditor-General found in this report that there was a need for an overarching strategic direction for investment in research and development. Among the many gaps identified by the Auditor-General in this report was the lack of industry co-investment and also the lack of communication from the work that is being done through the department, through research and development, to farmers on the ground. I have consistently said, over many roles, that it is important while states and the commonwealth invest in research and development that the output and outcomes of that investment need to be translated directly to farmers in a commercial sense or in an innovative sense where they can actually use that investment to provide the increase in productivity, which is our only means of competition in the global marketplace.

Victoria University: report 2015

Mr EIDEH (Western Metropolitan) — I am absolutely delighted to rise and speak on the Victoria University 2015 annual report. This report highlights another successful year for the university, which plays such a pivotal role within my electorate. I would like to congratulate all involved with the university and this report. Victoria University has a proud history in the west. It is a history that spans nearly 100 years. In 1916 the Footscray Technical School was established. It was a concept which was first proposed in 1910. At the time people believed in the power of technical education to positively transform lives and social conditions. Charles Archibald Hoadley, who was the school's principal from its formation until his passing, had a vision to equip students not only with technical knowledge but also with an appreciation of the arts, sports and outdoor and community activities. It was under his vision that the school expanded rapidly.

In 1958 the school changed its name to Footscray Technical College and then to the Footscray Institute of Technology, and over the next 20 years the curriculum was expanded. In 1990 it was merged with the Western Institute of Technology. This created Victoria University of Technology (VUT). In 1998 a further amalgamation occurred with the Western Melbourne Institute of TAFE, and in 2005 VUT was renamed Victoria University.

Victoria University and its predecessor institutions have been providing education, research and training for close to 100 years. It has firmly established itself as a leader in transnational education, particularly in Asia, with partners in China, Malaysia, India and other countries. The university is one of the few Australian universities operating as a dual-sector institution, providing both higher education and vocational and further education. In fact it offers short courses, apprenticeships, certificates, diplomas, degrees and postgraduate studies.

One thing that I personally think separates Victoria University from other universities is its ongoing commitment to its students. It has a commitment like no other to deliver learning and teaching experiences that empower students from diverse backgrounds to grow their capabilities and truly realise their full potential.

Currently Victoria University has more than 50 000 enrolled students, including more than 15 000 international students studying onshore or offshore with partner institutions, mainly in Asia. The university has continued to enhance its learning and

teaching, course offers, student experiences and student retention in both higher education colleges and vocational education operations. It has remained focused on the quality and impact of its research and on continuing to build its engagement with key industries and key communities.

I once again congratulate Victoria University on another stellar year and look forward to the exciting year ahead. I commend this report to the house.

Department of Economic Development, Jobs, Transport and Resources: report 2014–15

Mrs PEULICH (South Eastern Metropolitan) — I wish to make a statement on the Department of Economic Development, Jobs, Transport and Resources *Annual Report 2014–15*, noting that the secretary's foreword says that the aim of this new super-department is:

... to lift the living standards and wellbeing of all Victorians by sustainably growing Victoria's economy and employment and by working with the private and public sectors to foster innovation, creativity, productivity, investment and trade.

These are obviously very significant challenges, and they mean retaining the confidence of domestic business and international investors in this state and in particular they highlight the need for an orderly industrial relations system. It is for this reason that I have chosen to make reference to a particular case because it encompasses a number of the relevant ministers who this case may have some relevance to, including the Minister for Energy, Environment and Climate Change, the Minister for Roads and Road Safety and the Minister for Industrial Relations.

It is in relation to the Carlton and United Brewery (CUB) Abbotsford brewery strike. The CUB Abbotsford plant, I understand, makes some of the nation's bestselling beer brands. According to newspaper reports, internal CUB documents show a significant slump in manufacturing. Machine line efficiency data revealed a sharp deterioration in run times if the maintenance workers were restructured and replaced. I understand that a dispute began on 10 June involving 55 fitters, electricians and maintenance workers, backed by the Electrical Trades Union and the Australian Manufacturing Workers Union. I understand that the Construction, Forestry, Mining and Energy Union (CFMEU) may be very close to the Premier and has been playing a key role in the strike. Perhaps this is the reason government ministers have turned a blind eye to some of its activities.

In my view industrial order needs to apply to all, not a blind eye turned to those mates of the Premier. One of the issues that has been raised with me in relation to the picket, the strike action, which also involves interstate union branches backing the picket and the strike, is its approval — I understand it might be approval; I am not sure — by the City of Yarra, which is a supporter of union action and is imposing a council ban on CUB products and facilitating the closure of a local road and the erection of scaffolding for the purpose of erecting a stage. I cannot think of any other purpose for which a local road may be closed to other users and scaffolding erected for the purpose of the stage. I assume that approval has been given. I think what needs to occur here is the provision of some answers as to how street closures, especially over such a prolonged period of time, can occur and whether VicRoads approval or advice has been sought and given.

One of the more concerning matters is that it appears that the strike organisers have hooked into a Powercor power pole or junction box for power to support the electricity needs of the strikers. Noting that unauthorised access to a distributor substation or assets is an offence under the Electricity Safety Act 1998, the question that needs to be asked is: has Powercor Australia Ltd approved this, and if so, why should ordinary electricity users wear the cost? If they have not authorised it, why has action not been taken to address this?

According to Wiki there are various types of electrical power theft. Tapping a line or bypassing the energy meter is the most common form, and hooking is the most common method used. Indeed this bypasses the energy meter. That means that that electricity is unmeasured and procured with or without switches. In my view if Powercor has not given authority, then this needs to be addressed immediately.

Victoria Police, I understand, has also been in attendance each day, but its attitude has been very much about playing a hands-off role. There are a number of government bodies involved which appear to be almost complicit in this union strike or perhaps too nervous to do anything for fear of reprisal from unions that appear to be very close to the Premier, Daniel Andrews. The role of agencies and government bodies that facilitate and empower unions such as the CFMEU needs to be investigated and exposed, and Premier Andrews needs to instigate an investigation to send a message that union lawlessness will not be tolerated in Victoria.

Cancer Council Victoria: report 2015

Ms TIERNEY (Western Victoria) — I am pleased to make a statement on the Cancer Council Victoria *Annual Report 2015*. I note from the outset that as a result of the Cancer Council Victoria's conversion to a company limited by guarantee on 1 October 2015, the financial reports are for the period 1 January to 30 September 2015 only.

The cancer council continued to play a crucial role in conducting cancer research as well as in cancer-related support, prevention and advocacy. The importance of the work the cancer council does and has done was demonstrated in 2015 by the release of research on the effects of plain packaging of cigarettes in its first year of operation — a dramatic success and something that was introduced after much lobbying by the Cancer Council.

The cancer council launched a number of initiatives in 2015, including the Australian Breakthrough Cancer Study, aimed at recruiting 50 000 Australians to study the causes of cancer and other diseases. Another initiative was the Forgotten Cancers Project, aimed at improving knowledge and producing better outcomes for patients with less common forms of cancer.

During the coming year the council plans to do further work in promoting awareness about the links between obesity and cancer. Given that the cancer council data shows that there are 37 000 preventable cases of cancer every year in Australia, this will be part of a wider initiative to better inform Victorians about how to go about reducing their cancer risk.

Sadly we know that 10 700 Victorians die from cancer every year and that 84 Victorians are diagnosed with cancer every single day. However, the good news is that at least in part thanks to the research conducted by or under the auspices of the cancer council five-year survival rates for cancer sufferers have increased by 19 per cent in the last 25 years.

The cancer council received \$31.3 million from donations and other fundraising, including retail; \$18.6 million from government; and \$3.9 million from other sources during the course of the year. Of this, 25 per cent went to cancer research, 30 per cent went to cancer prevention and 5 per cent went to support for cancer victims, with the remainder going to fundraising and other administrative costs.

The cancer council also launched its reconciliation action plan in February 2015, which seeks to address the disproportionately high cancer rates experienced by

Indigenous Victorians. As we seek to close the gap between Indigenous and non-Indigenous Australians, the cancer council's efforts to do so in the area of cancer are particularly commendable. They provide a range of culturally appropriate services and materials aimed at reducing Indigenous cancer rates. Overall mortality rates are also significantly higher than the general population for both men and women, and this is another area that the plan seeks to address.

On the subject of plain packaging, which I have previously mentioned, which is a signature achievement of the cancer council, the results are in. It is now proven that this initiative is reducing tobacco consumption and in doing so is saving lives. Research funded by the cancer council showed that smokers dislike the packaging and it contributed to a more negative perception of tobacco products, as well as reinforcing the idea that all tobacco products irrespective of brand are equally harmful.

As this report demonstrates, Cancer Council Victoria continues to play a leading role in promoting cancer research, prevention and care. Given the lives of so many Victorians are, have been or will be touched by cancer, this role is a crucial one, and I thank the management and staff there for all of their efforts in the past year and commend this report to the house.

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

Ms CROZIER (Southern Metropolitan) — I am pleased to be able to rise and speak to the Victorian Auditor-General's report that was tabled in June of this year in relation to the follow-up of residential care services for children. The Auditor-General has undertaken a number of very important reviews in relation to the residential care system and made a number of recommendations — obviously there are findings in the report and recommendations, as I said — for further improvements in the area, which I think is to be commended because this system, as the report says, is to meet the needs of children, and what we are speaking about is some of Victoria's most vulnerable children.

Many of these children have very complex needs and many of them have very sad family circumstances. Many come from circumstances of abuse where they may have been abused or lived in violent family environments and required the assistance of the state to care for them. Really this is what the residential care system does in relation to providing that care and meeting those needs. Unfortunately many of those needs are not being met.

I have tried on a number of occasions to find out how many of these children actually attend school, and the minister has been unable to provide that information to me. I know from my own experience and from speaking to child protection workers — and many of them do an absolutely phenomenal job in caring for some of these children — they themselves are at a loss as to how they can get these kids to school and work through those programs. I think it is absolutely critical, if we are going to have better outcomes for these children that are under state care, that they go to school to have a proper education to give them some skills in the basics that we all take for granted — numeracy and literacy — to be able to participate within our society and to understand the boundaries. If they do not attend the education system that we have in this state, how on earth are they going to survive when they leave these residential care settings?

Whilst it is a great aim for all these children to be removed from residential care, the facts are that there are going to be children who need this safety net. And if we have got this safety net, then we should be doing better, because the outcomes are not great. Many of these children are leaving these residential care settings and they are ending up homeless, on the streets, on drugs, with mental health problems. They have significant problems, and I do not think — as other reports and reviews have found — that we have done enough.

It appears that it is getting worse, and even in a report of last week it was stated that intervention orders have been taken out by Department of Health and Human Services workers against children in residential care units who pose a threat or intimidate staff and other residents. It is a significant concern that intervention orders are being taken out by the workers against these children, and we need to be doing more to protect both these workers and the children against one another.

Again I go back to my starting point about us needing to get better outcomes for these children. Indeed this report highlights some of the issues surrounding the support that they require in being able to attend school and get that educational attainment. So I will continue to pursue this issue because I think this is absolutely critical. We are spending a lot of money on these children, which they need, but they are not getting the educational attainment that they require. Therefore we are letting these children down and not giving them the proper skills that they need, as I said, to participate when they leave the residential care setting. Whether or not they go back into their home environments, they need that follow-up, they need that intensive education, and I would like to see the Andrews government do

more on this, because it is failing significantly in this area. As I said, I have been unable to find any figures at all from the minister about the educational attendance of these very vulnerable children.

OWNERS CORPORATIONS AMENDMENT (SHORT-STAY ACCOMMODATION) BILL 2016

Statement of compatibility

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) 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 (the 'charter'), I make this statement of compatibility with respect to the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016.

In my opinion, the Owners Corporations Amendment (Short-stay Accommodation) Bill 2016, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will amend the Owners Corporations Act 2006 to implement a package of reforms to address the problems arising from unruly parties in short-stay accommodation in apartment buildings, including reforms recommended by an independent expert panel.

In particular, the bill will make apartment owners jointly and severally liable with their short-stay occupants for damage caused to property in the apartment building, loss of amenity compensation awarded to aggrieved residents and civil penalties imposed on short-stay occupants, and will empower the Victorian Civil and Administrative Tribunal to prohibit the use of a problematic apartment for short-term accommodation for a specified period.

Human rights issues

Property rights

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

New section 169D empowers VCAT, in certain circumstances, to make an order prohibiting the use of a building or part of a building for the purpose of short-stay accommodation for a specified period (or until its sale to someone other than an associate of the short-stay provider).

It therefore engages section 20 of the charter inasmuch as a prohibition order temporarily deprives an apartment owner of the right to use the apartment for short-term accommodation.

However, I do not consider that section 169D limits property rights for the following reasons —

first, prohibition orders are clearly authorised by legislation; and

second, the criteria for an order and the manner of exercise of the jurisdiction are not arbitrary and are clearly articulated in new sections 169D(1) and 169F respectively, namely that notices of a breach of defined conduct proscriptions by short-stay occupants of the building or part of a building must have been served on the relevant short-stay provider on at least three separate occasions within a 24-month period.

In exercising its jurisdiction to make a prohibition order, VCAT must consider the conduct of the parties, any act or omission or proposed act or omission of a party, the severity and nature of the breaches, the time between the breaches, the history of the short-stay provider's provision of short-stay accommodation arrangements, and any measures that the short-stay provider took to prevent the breach, and any other relevant matter.

Hon. Gavin Jennings, MLC
Special Minister of State

Second reading

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

That the second-reading speech be incorporated into *Hansard*.

The PRESIDENT — Order! We are voting on whether or not leave is granted for the government to have the second-reading speech on legislation that has been introduced to the house incorporated into *Hansard*. For the sake of the vote I indicate that I will vote on it, but I am very reluctant about this particular approach, which obviously follows from leave not having been granted this morning for other matters. This tit for tat does not impress me.

House divided on motion:

Ayes, 16

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

Noes, 21

Atkinson, Mr	Lovell, Ms
Barber, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Crozier, Ms	Pennicuik, Ms
Dalla-Riva, Mr (<i>Teller</i>)	Peulich, Mrs
Davis, Mr	Ramsay, Mr

Dunn, Ms
Finn, Mr
Fitzherbert, Ms
Hartland, Ms

Rich-Phillips, Mr
Springle, Ms (*Teller*)
Wooldridge, Ms

Motion negatived.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the bill be now read a second time.

The bill will amend the Owners Corporations Act 2006 to implement a package of reforms to address the problems arising from unruly parties in short-stay accommodation in apartment buildings.

In doing so, the bill will implement the government's election commitment to curb inappropriate short stays and to appoint an independent panel to recommend ways to improve the regulation of residential buildings so that property is protected from unruly parties in short-stay accommodation.

The terms of reference for the panel required that any reform recommended by it should, firstly, maximise the amenity of living in apartment buildings and, secondly, minimise interference with property rights, any negative impact on the Victorian tourism industry, investment in Victoria and the Victorian economy generally, and divisiveness within owners corporations in apartment buildings.

The government concurs with the panel's views, expressed in its report, on the significance of the contribution of short-stay accommodation to economic activity and job creation, and to providing consumers and property owners with choice and flexibility about accommodation.

The bill incorporates the recommendations of that panel, including to define short-stay accommodation, for the purpose of regulation, as a stay of seven days or six nights.

However, as a result of subsequent consultation with stakeholders, the bill goes further than the panel's recommendations in addressing key problems with unruly short-stay parties.

It does so in order to achieve a better balance between the competing interests involved in the regulation of short-stay accommodation.

The first problem that necessitates this broader approach is that it is practically impossible for owners corporations and aggrieved residents to pursue remedies against short-stay occupants arising from unruly parties.

This is because of the difficulties in identifying and locating transient short-stay occupants, and in enforcing any court orders against them.

The second and connected problem is that short-stay accommodation providers are not liable for the conduct of their short-stay occupants.

Therefore, in practice, no-one is made responsible for the problems caused by unruly short-stay parties, and there is little to discourage short-stay providers from letting apartments to problematic short-stay occupants, or to encourage them to adopt screening practices, which will, in most cases, deter those seeking to host unruly parties.

The bill addresses these issues in a number of ways.

First, it sets out the inappropriate conduct that is characteristic of unruly short-stay parties. These relate to excessive noise, interference with residents' enjoyment of their units and of the common property, creation of health and safety hazards, obstruction of the common property, and property damage.

Second, it empowers the Victorian Civil and Administrative Tribunal to award loss of amenity compensation, up to \$2000, to a resident whose amenity has been affected by the inappropriate conduct. Short-stay accommodation providers will be made jointly and severally liable with their short-stay occupants for such compensation.

To encourage short-stay accommodation providers to implement screening and other prevention practices, it will be a defence to this liability if the short-stay accommodation provider can show that it took all reasonable steps to prevent the relevant breach.

Third, it empowers VCAT to make an order prohibiting the use of an apartment for short-stay accommodation, for a certain period, if short-stay occupants of that apartment have, on at least three separate occasions within 24 months, been guilty of inappropriate conduct. This provision is particularly aimed at the use of apartments as 'party houses'.

To encourage short-stay accommodation providers to implement effective screening and other prevention practices, one of the matters that VCAT must take into account in making a prohibition order is what measures the short-stay accommodation provider took to prevent the breaches.

Fourth, it empowers VCAT to impose civil penalties of up to \$1100 on short-stay occupants for breaches of the conduct proscriptions. Short-stay accommodation

providers will be made jointly and severally liable with their short-stay occupants for such penalties.

Fifth, it also makes short-stay accommodation providers jointly and severally liable with their short-stay occupants for damage to property in the apartment building caused by their short-stay occupants.

Finally, it adapts the internal dispute resolution processes under the Owners Corporations Act and the conciliation powers of Consumer Affairs Victoria to include all those involved in short-stay disputes.

The reforms implemented by the bill are intended to work in a complementary way with industry self-regulation.

The more that self-regulation works to educate short-stay accommodation providers in avoiding letting their apartments to problematic short-stay occupants and in dealing promptly with complaints by residents, the less need there will be for owners corporations and residents to resort to the bill's remedies.

Around 45 000 people live in central Melbourne, including Docklands and Southbank, a large proportion of whom live in apartment buildings. Unruly parties in short-stay apartments are a real problem and significantly affect residents' amenity.

The bill aims to reduce, and potentially to eliminate the problems caused by unruly parties in apartment buildings and so to improve the livability of those buildings for this sector of Victoria's population.

I commend the bill to the house.

Debate adjourned for Mr O'DONOHUE (Eastern Victoria) on motion of Mr Rich-Phillips.

Debate adjourned until next day.

MELBOURNE COLLEGE OF DIVINITY AMENDMENT BILL 2016

Statement of compatibility

For Mr HERBERT (Minister for Training and Skills), Mr Dalidakis 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, (the charter), I make this statement of compatibility with respect to the Melbourne College of Divinity Amendment Bill 2016.

In my opinion, the Melbourne College of Divinity Amendment Bill 2016, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill makes a series of technical amendments to the Melbourne College of Divinity Act 1910 (the act) to reflect the Melbourne College of Divinity's changed status as an Australian university of specialisation, and new name, the University of Divinity.

Human rights issues

The following rights under the charter are relevant to the bill:

- a. the right to freedom of thought, conscience, religion and belief (section 14); and
- b. the right to freedom of culture (section 19).

In my view, the bill promotes the rights in sections 14 and 19 of the charter by modernising the governance arrangements for the Melbourne College of Divinity (the college).

The college's vision is to address the issues of the contemporary world through critical engagement with theological traditions. It provides for the award of degrees, diplomas and certificates in divinity and its associated disciplines, and advances religious education in Victoria.

Section 27 of the act, which is not proposed to be substantively amended by the present bill, explicitly provides that no religious test shall be imposed upon any person in order to entitle the person to be enrolled by the college or to be a candidate for any examination or to graduate or to receive any diploma or certificate or to be an examiner or to hold any office or employment or any advantage emolument or privilege in connection with the college.

The bill will ensure that the college has a best practice governance structure in place to enable it to continue to fulfil its role in advancing religious education in Victoria.

In this way, the bill promotes the right to freedom of thought, conscience, religion and belief and it supports cultural rights by assisting persons with particular religious backgrounds to declare and practise their religion.

The bill does not limit any human rights protected by the charter.

The Hon. Steve Herbert, MLC
Minister for Training and Skills

Second reading

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

That the second-reading speech be incorporated into *Hansard*.

House divided on motion:

Ayes, 16

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

Noes, 21

Atkinson, Mr	Lovell, Ms
Barber, Mr	Morris, Mr (<i>Teller</i>)
Bath, Ms	O'Donohue, Mr
Bourman, Mr	Ondarchie, Mr
Crozier, Ms	Pennicuik, Ms
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Ramsay, Mr
Dunn, Ms	Rich-Phillips, Mr
Finn, Mr	Springle, Ms
Fitzherbert, Ms (<i>Teller</i>)	Wooldridge, Ms
Hartland, Ms	

Motion negated.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the bill be now read a second time.

The Melbourne College of Divinity Amendment Bill 2016 makes a series of technical amendments to the Melbourne College of Divinity Act 1910 (the act) to reflect the Melbourne College of Divinity's changed status as an Australian university of specialisation, and new name, of the University of Divinity.

Background to the Melbourne College of Divinity

The Melbourne College of Divinity (the college) was established by an act of the Victorian Parliament in 1910. The college was originally constituted by a group of churches based in Victoria and was overseen by a president and registrar.

In 1972, the act was amended to allow for the recognition of 'associated teaching institutes' to teach the degrees offered by the college.

In 2005, the act was further revised to bring the college into line with contemporary academic governance standards (as set out in the national governance protocols for higher education providers), including the creation of a council and academic board.

The act empowers the college to confer degrees and award diplomas and certificates in divinity and associated disciplines. The act also provides for a council as the governing authority, including members appointed by the churches, and an academic board to oversee academic programs.

Transition to University of Divinity

In 2012, the college commenced operation as an Australian university of specialisation with the approval of the Victorian Registration and Qualifications Authority. The college is currently registered as an Australian university of specialisation on the national register of higher education providers, which is maintained by the Tertiary Education Quality and Standards Agency. It is a private university and receives commonwealth government funding for research and training through the Higher Education Support Act 2003 (cth).

With the permission of the then commonwealth Minister for Tertiary Education, Skills, Jobs, Science and Research and the Australian Securities and Investments Commission, the college is currently trading under the name 'University of Divinity' to reflect its changed status.

The purpose of the bill is to bring the college's governing legislation into alignment with its new name, status and operation as a university.

Technical amendments included in the bill

Specifically, the bill will amend the act by:

replacing references to the 'Melbourne College of Divinity' with references to the 'University of Divinity';

replacing references to the 'President', 'Dean' and 'Vice-President' with references to the 'Chancellor', 'Vice-Chancellor' and 'Deputy Chancellor', respectively. These changes reflect the new governance structure;

removing references to the redundant position of the registrar. This position no longer exists with its functions instead performed by the university council or the vice-chancellor;

replacing references to 'recognised teaching institutions' with references to 'colleges of the university'. Since 2012, the Melbourne College of Divinity has re-designated recognised teaching institutions as colleges;

removing references to the redundant position of fellows of the college. The college no longer appoints fellows;

consolidating two separate duplicate provisions which empower the college to award a doctorate of divinity into one provision;

giving the council greater flexibility to appoint the chancellor and deputy chancellor for a period of up to three years, but no longer than the term of the elected member's existing appointment to council.

These amendments will be supported by any necessary transitional and consequential amendments to the act.

Conclusion

The bill was prepared at the request of the college, and has been developed in close consultation with the college.

I commend the bill to the house.

Debate adjourned for Mrs PEULICH (South Eastern Metropolitan) on motion of Mr Rich-Phillips.

Debate adjourned until next day.

ADJOURNMENT

Ms PULFORD (Minister for Agriculture) — I move:

That the house do now adjourn.

Timber industry

Ms BATH (Eastern Victoria) — My adjournment matter for this evening is for the Minister for Agriculture, the Honourable Jaala Pulford, and it relates to the timber industry in East Gippsland. The action I seek from the minister is that she comes to East Gippsland as soon as possible — as soon as her diary will allow — to meet with timber industry contractors to listen to their concerns, which are numerous and multifaceted.

I am aware that my colleague the member for Gippsland East, Mr Tim Bull, had written to the minister on 1 January this year and 29 June this year advocating on behalf of the timber contractors and supporting their right to harvest as per their VicForests contracts. The sustainable hardwood timber industry in East Gippsland provides significant investment, employment and economic benefit to rural communities and beyond through the production of sawlogs and the manufacturing of value-added products for the domestic market.

The East Gippsland region is home to some of the most productive timber harvesting in Victoria. In the past these forests have played a crucial role in Victoria's sustainable timber industry. In recent years the amount of high-quality timber logging from this region has

fallen. It is important to note that less than 20 per cent of the East Gippsland region is available for commercial forestry and it is harvested over an 80 to 100-year rotation. The remaining 80-plus per cent is in the form of national parks, reserves and other Crown land not accessible for harvesting.

Some of the issues frustrating these small business operators include the delays in the release of the Forest Industry Taskforce report and the need to amend guidelines in terms of third-party surveys on designated coupes. Too often contractors are being precluded from their coupes due to third-party intervention. This has wider ramifications for the overall health of the small communities in East Gippsland.

I know that because of the delay in the task force report sawmillers in Nowa Nowa are hurting whilst languishing and waiting for a response. They do not understand yet or have knowledge of their fate into the future and the security of supply. At present there is an inability to invest in the future in terms of industry, in terms of structure, in terms of equipment and in terms of community because of this lack of certainty. The whole idea of a sustainable hardwood timber industry is that there needs to be a long-term coexistence between native flora and fauna and harvesting to maximise the utilisation of this renewable and very important resource. I ask the minister to come to listen to their multilayered issues and have some good further debate and further conversation around this to stop the negative impact on rural East Gippsland.

Government procurement policy

Dr CARLING-JENKINS (Western Metropolitan) — My adjournment matter tonight is addressed to the Minister for Finance, Robin Scott, and it relates to ethical procurement practices of our state government. I call on the minister to undertake a review of government procurement policies to ensure that wages and conditions of workers engaged in the production of these goods and services are taken into account prior to purchasing.

Please let me explain. I went to a Tag Freedom event recently run by the Catalyst group at Kilsyth South Baptist Church. The purpose of this event was to raise public awareness of modern-day slavery in the fashion industry and worker exploitation worldwide. Guest speakers included Gershon Nimbalker, the advocacy manager for Baptist World Aid; and Carolyn Kitto, a co-director of Stop the Traffik. They told stories about the cotton mills in India where there are terrible conditions — where many girls as young as 12 work and live. I found it appalling that in this day and age

people, including children, are still being enslaved and exploited for their labour.

At present, as we all know, our domestic markets are selling goods produced overseas, and this is a necessary thing, but what we need to do is question the supply chains making these goods. Under what conditions are people making things up the supply chain? For example, are there safe working conditions, adequate basic wages, meal breaks, sick leave and even simple things like adequate toilet facilities — working conditions which are standard practice here in Victoria? Many people are being denied basic rights of freedom of association, including union representation.

As consumers we all have the power to make a difference by choosing to purchase from companies who treat their workers ethically and who ensure basic rights for their workers. The Victorian government is a major consumer and purchaser of goods, not all of which of course can be sourced entirely within Australia, particularly not in every step of the supply chain. As a member of a labour party, the DLP, I am convinced that more needs to be done to ensure that all workers are not exploited, that they receive fair and reasonable wages and conditions and that they work free from the tyranny of modern slavery.

I ask the ALP government to review procurement policies across all departments and agencies to ensure that at no point can a product be procured from a company that exploits its workers, therefore leading the way in encouraging everyone here in Victoria to do the same. I believe that it is time for us to participate in mitigating the risks around forced labour, child labour and worker exploitation throughout our supply chain. Together we have the power to make a difference.

Mirboo North swimming pool

Ms SHING (Eastern Victoria) — The matter I wish to raise this evening is for the attention of the Minister for Sport and Minister for Tourism and Major Events, Minister Eren in the other place. It relates to the excellent Mirboo North pool, one of the most beautiful pools — if not the most beautiful — in regional Victoria. It is an absolutely stunning place with an extensive history. It is a meeting point for the community, the host of many swimming carnivals and a place where people can come together, where kids aged 10 and over are considered independent, where there is regular supervision and where people can exercise and enjoy the beautiful area and surrounds and make the most of the most gorgeous part of Gippsland that you can imagine.

Mirboo North needs a pool because of the important social function that it provides; however, the pool has fallen into a state of significant disrepair. Despite ongoing efforts and fundraising, we have yet to see the necessary sums being gathered to be able to redevelop the pool at a community level. South Gippsland Shire Council has indicated that it is prepared to positively consider funding to redevelop the pool; however, there is a shortfall, which will be revealed in quantum once a master plan has been concluded at the beginning of next year.

The Mirboo North master plan will involve considering whether additional facilities can be added, such as a room with a sprung wooden floor to enable classes and meetings to be held, as well as functions and birthday parties, and other areas which are under shelter as required. A phased redevelopment of the Mirboo North pool would ensure that we are really safeguarding this jewel in the crown of Gippsland's aquatic environment and give better access to children's aquatic sports through the development of a main pool, including heating, piping and a pump room, an upgrade to amenities in the car park and full disability access.

Given the demographic of the population in and around Mirboo North and the way in which we would like to see all members of the community in this gorgeous part of the world being able to participate fully, it would be with pleasure that I would welcome any confirmation from the minister that he will give positive consideration to giving effect to the results of the master plan and making sure that the Mirboo North pool is prioritised and understood as a key area warranting investment for this important part of Gippsland — from a health perspective, from a community perspective and also from a sports and tourism perspective.

Hurstbridge rail line

Ms WOOLDRIDGE (Eastern Metropolitan) — My adjournment matter tonight is for the Minister for Public Transport in the other place. The action that I seek is that she actually answer the two constituency questions that I have posed to her over the last nearly 12 months. The fact is that she has not answered either of them, and I think it is exceptionally disrespectful to my constituents.

On 24 November 2015 I asked about the additional morning peak train services on the Hurstbridge line and when they would be delivered, and the minister responded:

At the last election Labor promised to increase inbound services on the Hurstbridge line in the morning peak. There

was no commitment for an increase in services from the Liberal Party.

The Andrews Labor government is working with PTV on the best options to deliver the extra services.

I understood what that answer meant — that is, she had chosen not to answer the question — but in May I asked the minister again in relation to these services. There had been a further publication from Public Transport Victoria (PTV), and I asked whether commuters would need to wait until the duplication work was completed or whether these additional morning services would be delivered with the existing track.

Amazingly the response I got from the minister was:

At the last election Labor promised to increase inbound services on the Hurstbridge line in the morning peak. There was no commitment for an increase in services from the Liberal Party. The Andrews Labor government is working with PTV on the best options to deliver the extra services.

That was exactly the same response to a second similar but different question with more information that had been provided by PTV in relation to the service and in fact in a significant plan and document on the Hurstbridge train line upgrade released by the government. I find this incredibly disrespectful of my residents' concerns and questions in relation to it. This was an election commitment. As a candidate, the current member for Eltham promised that these services would be delivered in 2015. They have not yet been delivered, as is obviously the case, which is why I am asking exactly when they will be delivered.

In fact the Hurstbridge rail line upgrade document released by the Level Crossing Removal Authority does actually say in relation to the additional services:

These additional services will be delivered as part of a redesigned timetable for the Hurstbridge line —

and with the expectation that it may not be until the upgrades have been completed in 2019 that the promised additional services for 2015 will actually be delivered.

I think it is a genuine question from my constituents. I think it is an important matter. I think it is incredibly disrespectful that the minister has sought to again not even answer the question and has copied and pasted an exact answer from six months earlier. I ask the minister to respond to the questions.

Ms Pulford — On a point of order, President, I listened carefully to Ms Wooldridge's contribution. I noted some interjections from this side of the chamber about a set speech, but my concern was more that it was

not in accordance with the rules of the adjournment debate; rather, it was being used as an opportunity to reprosecute the member's opinion on some answers that she has received. There are other parts of the program in each day where such matters can be raised.

Ms WOOLDRIDGE — On the point of order, President, very clearly I am seeking an action, which is a requirement of the adjournment debate. The fact that it relates to some actions in relation to other parts of the business program is irrelevant. Clearly an action is sought from the minister, who has failed to take appropriate action in the first place.

The PRESIDENT — Order! The member has sought to obtain information which has not been forthcoming to her satisfaction. At any rate, she is certainly entitled to follow that up in this part of the proceedings of the Parliament. It did constitute an action to that extent, so I would not uphold the point of order on this occasion.

Public Transport Victoria CCTV footage

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Public Transport. Protective services officers working at train stations and other public transport hubs are able to issue infringement notices for a variety of alleged offences. There is a 60-day period during which the fine can be contested by the recipient of the fine. Separately, Public Transport Victoria has a policy of keeping video footage from closed-circuit television cameras for 30 days. Therefore if a fine is contested after 30 days but before the 60-day deadline, the CCTV footage, which may provide evidence for an appeal will have been deleted.

This exact scenario has played out for a minor at Belgrave train station. He was issued a fine by protective services officers for allegedly behaving in an obscene, offensive, threatening, disorderly or riotous manner, but he claims he was actually the victim of a violent assault from which he sustained significant injuries and ongoing emotional duress. The incident may have been captured on CCTV, but by the time his objection to the fine was lodged the CCTV footage from the Belgrave train station had been deleted. This inconsistency in evidence retention is simply inadequate and does not provide a fair basis on which patrons of public transport can contest fines.

The action I seek from the minister is that she increase the holding period of CCTV footage at PTV facilities from 30 days to 60 days.

Northern Victoria Region road safety

Ms SYMES (Northern Victoria) — I raise a matter for the attention of the Minister for Roads and Road Safety, Luke Donnellan, in the other house. The action I seek is that the minister look at a number of roads within my electorate of Northern Victoria Region that may be worthy of funding for road safety improvements.

In 2015, 41 people lost their lives, 370 people were seriously injured and a further 98 people sustained other injuries on roads in Northern Victoria Region. The state government has set a target of a minimum 20 per cent reduction in road-related deaths and a 15 per cent reduction in the number of serious injuries through the Towards Zero 2016–20 road safety strategy.

There are a number of roads in my electorate which I believe could benefit from road safety improvement. Just a few examples include the Midland Highway and the Euroa-Mansfield Road. I would like the minister to seriously consider safety treatments such as safety barriers, improved line markings and road pavement improvements, which I believe may assist to reduce the risk of hitting roadside hazards and assist motorists when they travel on holiday, to work or to home to visit their families.

I do thank the minister for roads, who has already approved funding for safety improvement works within my electorate. A lot of investment is going in there. In particular we have got Goulburn Valley Highway between Yea and Molesworth, which is receiving an upgrade for flexible roadside barriers and rumble strips. That road has actually seen eight fatalities over a five-year period, so this is a very welcome safety improvement. Beechworth-Wodonga Road between Beechworth and Yackandandah Road is also going to be upgraded with rumble strips. This road has seen three fatalities over a five-year period.

There are many others that are receiving funding, and as I have indicated, there are several areas that I would like to bring to the minister's attention. Every life matters, and that is why I am seeking further investment in safety improvements in my electorate.

The PRESIDENT — Order! Strictly the adjournment debate really should focus on just one project, so really in a — —

Ms SYMES — Right. Yes, it is in my electorate.

The PRESIDENT — Yes, I know, but it ought to be one of those road projects really. I will let it stand

tonight, but we are supposed to be only focusing on one particular action.

Bendigo Health allied services

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Health, and it is regarding the two cream brick tower buildings on Bendigo Health's Anne Caudle Centre site. The former Liberal government-funded bigger and better Bendigo Hospital is almost complete, and now it is time for the current government to relocate the allied health services currently housed in these buildings and demolish the two outdated cream brick tower buildings on Bendigo Health's Anne Caudle site. My request of the minister is that she support and fund Bendigo Health's plan for the relocation of the health services currently housed within the cream brick tower blocks as well as the demolition of the old buildings and the landscaping of the old tower block site.

The two cream brick towers on the Anne Caudle Centre site of Bendigo Health do not and cannot be made to meet current fire safety standards. While the buildings, which were constructed in 1958 and 1972 respectively, met the fire standards at the time of construction, they no longer meet requirements under the current code. Unfortunately they are constructed in such a way that it is impossible for them to be renovated or retrofitted to comply with the safety standards introduced in 2012. The buildings currently house important services, including dental and rehabilitation services along with a 60-bed ward, as well as IT, administration and finance departments.

Bendigo Health believes the best solution to the fire safety issue is to relocate the services currently provided in these buildings to the current hospital site in Lucan Street to create a centre of excellence in subacute care. The plan would involve relocating dental, ambulatory and rehabilitation services from the towers to the current site of the emergency department, medical imaging unit and radiotherapy, which are to be moved into the new Bendigo Hospital once construction is completed. To achieve this, the hospital will require funding to refurbish the buildings that the services are to be relocated into, demolish the existing towers and landscape the old site. Bendigo Health plans to transform the land where the towers are currently located into a beautiful green forecourt for the new hospital.

With construction of the hospital due to be completed late this year, now is the time for the state government to commit to the best use of the suitable buildings that will remain on the old site. Bendigo Health has

proposed a plan for these buildings that would solve the problem with fire safety standards in the cream brick towers and also considerably improve the amenity of both the wards and the grounds of the new hospital. Bendigo Health estimates the full cost of this project would be around \$52 million. My request of the minister is that she support and fund Bendigo Health's plan for the relocation of the health services currently housed within the cream brick tower blocks and the demolition of the old buildings and landscaping of the old site land.

Wattle Day

Ms PATTEN (Northern Metropolitan) — My adjournment matter is for the Special Minister of State, Gavin Jennings, on the matter of national Wattle Day. As we know, tomorrow is the first day of spring — not a moment too soon — and I hope it may bring some joy even into this house. Wattle Day was conceived as a way of celebrating patriotism and Australia, and it was first celebrated in 1910. It was also about recognising children. It was used as a day for children's charities to collect donations but also to recognise the civic duties of children as well as to recognise and celebrate the beauties and wonders of our natural environment. Wattle Day has fallen out of favour, but there are still a few areas that celebrate it. I am pleased to see that there are a number of celebrations in Victoria, including in Ferntree Gully, Ringwood, Mitcham and Dandenong. But really it is not being celebrated that much.

Tomorrow we bring out the new \$5 bill, which is also decorated with wattle. When we are looking at other national days, such as Australia Day or even Anzac Day, there is considerable and growing ambivalence about those days as days to recognise Australia. So I am calling on the government and the minister to consider recognising and bringing in new ways to celebrate Wattle Day in Victoria. As we know, wattle is the first plant to regenerate after fire, so I think it is a great way to celebrate the ability to renew and grow and also to celebrate our diversity. It is also the end of winter.

I am asking not only the minister but also all members to consider sharing Wattle Day with their constituents and wearing some wattle tomorrow. But I am specifically asking the minister to give consideration — —

Mrs Peulich — With or without clothes?

Ms PATTEN — I will take up that interjection. It depends on the weather, Mrs Peulich.

I ask the minister to give consideration and thought to how we can foster the celebration of Wattle Day, particularly among young people in Victoria.

Gender equality

Mr MELHEM (Western Metropolitan) — My adjournment matter tonight is for the Minister for Women, Fiona Richardson. The action I seek is that the minister provide me with an update on the development of Victoria's first gender equality strategy. From what I understand, the minister last week met with members from the culturally and linguistically diverse community in Footscray, in my electorate of Western Metropolitan Region. It is good to see that different groups are being consulted in developing the gender equality strategy. This neatly reflects how, as the minister put it:

People can experience gender inequality differently. A solution that works for one group of people might not work for another.

Regardless of this, I commend the minister's effort in developing a gender equality strategy that aims to embed equality within as many private and public organisations as possible as well as pushing for change. I look forward to receiving the minister's response.

Eumemmerring scout hall security

Mrs PEULICH (South Eastern Metropolitan) — I am delighted that spring has come, but hopefully members of Parliament will wear more than just wattle. However, I wish to raise a matter for the attention of the Minister for Police in the other place. The minister may be able to assist with an inquiry from one of my community organisations, the venturers, cubs and scouts who meet at the Eumemmerring scout hall, Magnolia Grove, Doveton, which had some misfortune when the fence around the hall was cut and both of their trailers were stolen. They obviously need to find funds to repair and replace the fence, and of course they are without trailers at the moment. They hope they might be covered by insurance, but nonetheless, even if they are able to replace those trailers, the issue of security around community facilities is significant.

The matter I wish to raise and ask the minister for assistance on is to advise me, so that I can advise community organisations such as the venturers, cubs and scouts who meet at the Eumemmerring scout hall, about grants that may be available which they can apply for to purchase CCTV cameras in order to improve their safety. If grants are not available through the minister's own department, given that it is an issue of community safety perhaps she may be able to advise

about other sources of grants for similar equipment. Obviously there is this small grants program, and I am sure that is something that would be well appreciated by community organisations.

Safety is the topic on everyone's lips, not only personal safety but obviously safety of facilities and in particular facilities of this nature, which may not have people residing at them overnight. I hope the minister can assist in directing community organisations about where they may be able to source funds for the purchase and installation of CCTV cameras in order to improve the safety of their premises as well as their assets.

Police communications system

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Police, and it relates to the delivery of the government's country digital radio program upgrade. The action I seek from the minister is an update as to the cost and delivery of that project. By way of background, this project was originally promised before the last state election by Daniel Andrews to be delivered for \$10 million. It was revealed in the 2015–16 state budget that it would cost \$35.4 million — so a cost blowout from \$10 million to \$35.4 million. It has recently been reported to me that that cost may well be exceeded and go up to figures of around \$45 million or \$50 million, and that is a significant concern. The other issue is the timing of the project. The then Minister for Police, Minister Noonan, said at the Public Accounts and Estimates Committee on 15 May this year that:

Work on removing the analogue system will begin in July with the digital radios phased in from January 2017.

I think a number of police around the state will have significant concerns about whether that timetable will be delivered, given the apparent lack of activity in the delivery of that project. As I said in my opening statement, the action I seek from the minister is an update as to the anticipated cost of the project and the timetable for the delivery of that important project.

Assistance dogs

Ms HARTLAND (Western Metropolitan) — My Adjournment matter is for the Minister for Agriculture. I have already directed this adjournment to the Minister for Housing, Disability and Ageing, but he has dodged answering it and referred me to the Minister for Agriculture, so again I rise to speak about an issue that has failed to be addressed not only by the Victorian government but by the federal government. The issue is

that people with assistance dogs are not provided with the same rights as people with guide dogs.

Assistance dogs provide a range of services to people with a disability. They can provide assistance with retrieving items for those who have mobility impairments. For those with autism they can provide anxiety relief. These services are as essential to these people as guide dogs are to people who are vision or hearing impaired, yet these dogs are not properly recognised under Victorian legislation. They are not exempt from the Domestic Animals Act 1994, as guide dogs are. This means they are subject to council registration fees. Federal and state laws provide protection from discrimination for people using assistance animals; however, the protection is patchy. In addition, there is no legal framework for regulating the quality of assistance animals working in Victoria.

In 2009 the Victorian Law Reform Commission recommended reform to establish a simple regulatory framework for the training, registration and identification of assistance animals. In April this year the Minister for Agriculture wrote to Tim Smith, the Assembly member for Kew, regarding this issue and in particular the case of Doris and Burkhard Demn. In the letter the minister states that until there is a national standard, the Domestic Animals Act is unlikely to be reviewed.

Well, I do not think that is good enough. Victoria could create a Victorian scheme as recommended by the Victorian Law Reform Commission, or they could at least advocate nationally via the Council of Australian Governments (COAG) for reform. As far as I can tell this is not being done. In this day and age this kind of approach is totally unacceptable. Not only would a proper training and registration scheme address this discrimination within the system, it would ensure quality control for assistance animals and better ensure the safety and wellbeing of the community.

The action I am seeking from the minister is that the government acts to create a proper training, registration and identification scheme for assistance dogs in Victoria and act as a role model for this scheme to be rolled out to all states via COAG, and further that the minister amends the Domestic Animals Act 1994 to include assistance dogs in this exemption.

The PRESIDENT — Order! In the adjournment you cannot call for legislation. At any rate there is another action there and the minister might well give consideration to that. The minister certainly cannot influence COAG in terms of other states, but it was about taking action in this jurisdiction. I do not believe

our rules allow for calling for legislation in the adjournment debate.

Blackburn level crossing

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to Jacinta Allan, the Minister for Public Transport, and it is concerning the Blackburn level crossing removal, particularly the revegetation plan. There are a number of community groups in the area, particularly the local Blackburn & District Tree Preservation Society and the Blackburn Village Residents Group, and also cyclist groups and a number of other groups that are actually part of a stakeholder group that has been helping inform the alliance that is doing the job down there with local information and points of view. The action I seek from the minister is to ensure that there is a clear mechanism for those particular groups to feed in their views about what the revegetation plan should include and make sure that their feedback is taken into account and implemented where possible.

Country Fire Authority enterprise bargaining agreement

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Emergency Services, the Honourable James Merlino, and the action I seek is that he, as the representative of the government, suspend the current enterprise bargaining agreement (EBA) negotiations with the Country Fire Authority (CFA) and United Firefighters Union (UFU).

I seek this action on the basis that there is already a Supreme Court ruling for an injunction, following an application on behalf of the Volunteer Fire Brigades Victoria Association, on a CFA vote to accept the EBA, but more importantly because of the current commonwealth legislation that has been second read in the House of Representatives this morning, known as the Fair Work (Respect for Emergency Services Volunteers) Bill 2016. This bill will amend the Fair Work Act 2009 to provide that a term in an enterprise agreement that restricts or limits the ability of certain emergency services bodies to manage volunteer organisations or terms that are inconsistent with state or territory laws regulating such a body are not enforceable. Once this bill has passed, the proposed EBA will contravene the Fair Work Act under which the EBA has to comply.

My action again is for Mr Merlino to stand strong against the bullying and threatening antics of the UFU, and in particular its secretary, Peter Marshall, defend our CFA volunteers and await the outcome of the

commonwealth's changes to the Fair Work Act to have the new proposed EBA comply.

Sunbury Residents Association

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the acting Minister for Local Government, and it concerns the ongoing outrage in the Sunbury area about this government's betrayal of the people of Sunbury after it broke its promise to respect the previous coalition government's decision to establish a Sunbury city council separate from the Hume City Council.

I have accessed emails to the minister and to somebody in the minister's office. The first one, from the Sunbury Residents Association, is to the minister, and it says:

I refer to our previous email of September 24th (see below and attachment) and ask when we can expect a reply?

Half an hour later there was another email sent. I should add that Josh Bull, the Assembly member for Sunbury, and I as local members were copied in on that email. At 1.07 p.m. on 28 October, which is exactly half an hour after the original email was sent to the minister from the Sunbury Residents Association, Mr Bull sent the following email to somebody in the minister's office. I say 'somebody' because the name has been blanked out — as irrelevant, apparently. Anyway, that is by the by. The email says:

Hi —

whatever your name is.

Just a reminder to respond to this.

The standard response should cover it.

The hashtag is #ourmates. I think that comment, that hashtag, shows the contempt that Mr Bull has for the Sunbury Residents Association, because I can assure you that they do not regard themselves as his mates — quite the opposite. I think we see from the member for Sunbury a good deal of contempt for the residents of Sunbury, who have been campaigning for quite some years — 20 years in fact, or 20 years or more — for their own municipality.

But what really has my curiosity raised is what the standard response is to residents contacting the minister on this particular subject. So I ask the minister to provide me with the standard response which the minister's office provides in the circumstance as described in these letters.

Rate capping policy

Mr DAVIS (Southern Metropolitan) — My matter for the adjournment tonight is for the attention of the Minister for Local Government, and it concerns the rate capping policy of the government. I have in my possession a document from the council meeting of 30 August 2016 on section 7.10, about rate fluctuations at the City of Monash. This is a very interesting table. I would draw the minister's attention to table 1 in this document, which looks at rate changes under the City of Monash and under the government's rate capping policy.

I remind the chamber that the rate capping policy sought to cap rates at the CPI. I will repeat that: cap rates at the CPI. I am here to tell you that the CPI, according to the Australian Bureau of Statistics, is 1 per cent. We understand that the government had an election policy to cap rates at the CPI. They introduced a bill to achieve it in their own way, and it is a shambles of a bill. It is a shambles of an outcome. Rate capping and their promise on rate capping are in tatters.

The minister put a different rate from the CPI in place, and the minister has also failed to succeed in this. Looking at this table for the City of Monash, it is clear to me that 45 per cent of the ratepayers in the City of Monash will have rate rises of more than 2.5 per cent this financial year — 45 per cent of ratepayers. Thirty-six ratepayers in the City of Monash will have increases of greater than 100 per cent, 394 ratepayers will be paying between a 50 and 100 per cent increase, 5488 ratepayers will pay between 20 and 50 per cent more and 11 044 ratepayers will be paying between 10 and 20 per cent more. If you looked at the CPI at 1 per cent, the government's promise to cap rates at the CPI, a very small percentage of ratepayers would be in that particular category.

So what I am seeking from the minister is that she review her policy. The policy is in tatters. The first year the government did not implement it properly. Now the minister has completely failed. This is the case across a number of councils. These are the City of Monash figures that I am relying on here tonight, figures that the minister can no doubt access very successfully. It is clear that the impact on families and businesses is severe. The increase in business rates in the City of Monash is 11 per cent. People are going to suffer because of the minister's failure to implement the rate capping policy.

Baby Makes 3

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Minister for the Prevention of Family Violence, and it relates to a very successful preventative program in relation to respectful relationships, which the Carrington Health service has been involved with. The program is Baby Makes 3. The history to this program is that back in 2012 when the coalition government was doing some significant work in the very important area — as is this government in the area — of prevention of family violence, at that time the coalition government had the action plan to address violence against women and children, *Everyone has a responsibility to act 2012–2015*, and in that it had a number of recommendations and a number of initiatives. During this time in 2012 the then Department of Justice provided funding to the Baby Makes 3 program that was to run over three years, and it was involved in sites in the cities of Boroondara, Knox, Manningham, Monash, Maroondah, Whitehorse and Yarra Ranges. I met with the program manager and CEO of Carrington Health last week and went through with them the very successful outcomes that they have had from that program.

The program really targets messages for young couples, both fathers and mothers, about the difficulties that some parents do have in that transition phase after having a baby. It covers topics that include the transition to parenthood, expectations of mums and dads, who does what, gender roles, healthy relationships, meaningful equality, sex and intimacy, dealing with conflict, and communication, and it really is looking at that very important area of respectful relationships.

Now, the program and Carrington Health have had a lot of inquiries from local government areas right around the state. So there are 23 local governments that have delivered or are preparing to deliver Baby Makes 3 to first-time parents groups. That is across the eastern metropolitan areas and other areas — the south coast and the eastern region — and in Ballarat, Casey, Brimbank, Frankston and other areas.

The evaluation has been undertaken, and it has been found to be very, very effective. The action I ask of the minister is that the funding for this program continue so that it can be rolled out into these other areas where requests have been made for it to do so.

Myki ticketing system

Ms FITZHERBERT (Southern Metropolitan) — My adjournment matter is for the Minister for Public Transport, and it arises from a visit to my office on Monday from a man who had a series of complaints about using myki cards and in particular using myki cards in the local area around my electorate office, which is in Port Melbourne. These are issues that a number of constituents have raised with my office over time.

The complaints that have been made fall into two categories. First of all, there is a lack of information when buying a myki card about how it expires, how you need to renew it and how you transfer over any balance of money from one card to another when the first card has expired, and also a lack of information about the benefits of registration and how this can help you with those sorts of transfers.

The second issue is that there are relatively few places within Albert Park where you can fix these sorts of issues. What usually happens is what happened to the man, who in a very frustrated state, visited my office on Monday. He said he went to tap on the light rail and discovered that his card had expired and therefore he was unable to pay for his journey as he had fully intended to do. He was annoyed and frustrated that he had no warning that he might find himself in this situation. Therefore he had no capacity to do anything about it.

I understand that what needs to happen in this situation is one of two things: you either pay \$6 and get a new card when you have actually got a card there and should be able to use that one, or you have to call or email myki and organise things at that end, which takes 10 days, which is not much good to anyone when they are standing on a tram wanting to pay and not wanting to be given a fine.

Within the electorate of Albert Park there is nowhere that you can check a balance, and there are very few places that you can actually administer the card in the way that I have just described. This man also made the point that there are a lot of outlets that may actually want to deal with myki issues, but myki enables only a certain number of contracts to do so, rather than making it easier and more available for people to have this sort of access.

So the action that I am seeking is that the minister meet with me and local residents to discuss and address how myki services in Albert Park may be improved and that she advise me of when this may be able to happen.

Responses

Ms PULFORD (Minister for Agriculture) — I have adjournment matters from a number of members this evening. Dr Carling-Jenkins raised a matter for the Minister for Finance around ethical procurement and particularly the wages and conditions of people so affected. Ms Shing raised a matter for the Minister for Sport and Minister for Tourism and Major Events, John Eren, about the Mirboo North pool.

Ms Shing — The lovely Mirboo North pool.

Ms PULFORD — The lovely Mirboo North pool. Ms Wooldridge was seeking from Minister Allan, the Minister for Public Transport, an answer to some constituency questions that she was unhappy with. Ms Dunn raised a matter for the Minister for Public Transport around a matter that she was concerned about at Belgrave station and particularly the holding period for CCTV footage.

Ms Symes raised a matter for the Minister for Roads and Road Safety and sought some assistance with road safety treatments for the Midland Highway and Euroa-Mansfield Road. Ms Lovell raised a matter for the Minister for Health in relation to health services in her electorate.

Ms Patten wanted us all to wear wattle for Wattle Day but also sought some assistance from the Special Minister of State to help mark this occasion. Given it has been that kind of a day, I feel like it would be appropriate to quote Monty Python in that great sketch that goes something like, 'This here's the wattle, the emblem of our land. You can stick it in a bottle, you can hold it in your hand'.

Ms Shing — What's this? Oh, the wattle.

Ms PULFORD — The wattle, yes; Wattle Day. So we should all mark the occasion that is the beginning of spring and Wattle Day in lots of different ways. I note that when Mrs Peulich followed on from Ms Patten she suggested that if we were all to wear wattle, we should all wear other stuff underneath the wattle, and I think I can say on behalf of the government that we completely concur with that.

While she was on her feet Mrs Peulich raised a matter for the Minister for Police seeking some advice about grants for CCTV cameras. Mr Melhem raised a matter for the Minister for Women, Fiona Richardson, in relation to the gender equality strategy and the consultation that Ms Richardson has been conducting throughout the length and breadth of the state. Mr O'Donohue raised a matter for the Minister for

Police about the country digital radio program upgrade, seeking some further information. Mr Leane raised a matter for the Minister for Public Transport, Jacinta Allan, relating to the revegetation of the area around Blackburn Road where level crossing removal works have been underway. Mr Ramsay raised a matter for the Minister for Emergency Services, Deputy Premier James Merlino, in relation to the Country Fire Authority enterprise bargaining agreement. Mr Finn raised with the Minister for Local Government a matter that he raises in this place on a regular basis around Sunbury. Mr Davis raised a matter for the Minister for Local Government in relation to the government's rate capping policy. Ms Crozier raised a matter for the Minister for Families and Children around funding for the Baby Makes 3 program. Ms Fitzherbert raised a matter for the Minister for Public Transport in relation to myki cards, seeking that the minister meet with her and a number of her constituents.

There were two matters raised for my attention. One was from Ms Bath. I note that Ms Bath is not here, so I will provide her with a written response. Any opportunity to visit the beautiful part of the state that is East Gippsland is something that I will warmly embrace, but I will provide Ms Bath with a response.

Ms Hartland raised a matter for my attention, and she is here so I will make a brief response, given that I think this is the moment between now and when people leave for the evening. I note Ms Hartland's interest in assistance dogs and the need of many people in Victoria to have the assistance of dogs to help them manage the activities of daily living that arise as a result of a range of different conditions. I note also Dr Carling-Jenkins's interest in this matter, and I have had a number of conversations with her about this. She has similarly raised this matter in a previous debate in this place. This is something that I receive a bit of correspondence about from time to time. It is a matter that falls more neatly under the Domestic Animals Act 1994 than elsewhere, perhaps under the responsibility of Mr Foley.

This is something that I am very keen to have a look at. The regulations and arrangements that govern guide dogs and therefore give rise to those protections under both state and federal anti-discrimination laws have their origins in international standards of training and behaviour. There is no equivalent for assistance dogs. Assistance dogs are different types of dogs for quite a range of conditions, as I understand. I certainly thank Ms Hartland for raising this matter and bringing it to my attention. It is not something the government has got to yet.

There is significant reform underway with a number of points that engage with the Domestic Animals Act, including the greyhound industry reforms, the work that the government has been doing on the puppy farm crackdown and indeed the parliamentary inquiry that was undertaken by the Standing Committee on the Economy and Infrastructure into dangerous dog legislation. All of these engage different aspects of the Domestic Animals Act. It is something that we look at on a very regular basis. I think this is an important issue that Ms Hartland has raised. It is one that I have begun to look at, but I think if we can find a way to make this kind of assistance available to people in a manner that is safe and practical, then we should certainly all work to do so. I thank Ms Hartland for raising that matter.

I have no written responses tonight.

The PRESIDENT — Order! The house stands adjourned until tomorrow.

House adjourned 6.52 p.m.