

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 10 August 2017

(Extract from book 13)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 10 November 2016)

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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
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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 Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

Privileges Committee — Ms Hartland, Ms Mikakos, Mr O’Sullivan, 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 Barber, Mr Bourman, #Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Ms Hartland, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O’Sullivan and #Mr Rich-Phillips.

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

Standing Committee on Legal and Social Issues — #Mr Barber, #Ms Crozier, #Mr Elasmr, Ms Fitzherbert, #Ms Hartland, Mr Morris, Mr Mulino, 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.

Fire Services Bill Select Committee — Ms Hartland, Ms Lovell, Mr Melhem, Mr Mulino, Mr O’Sullivan, Mr Rich Phillips, Ms Shing and Mr Young.

Joint committees

Accountability and Oversight Committee — (*Council*): Mr O’Sullivan, 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 Elasmr and Mr Melhem. (*Assembly*): Mr Crisp, Mrs Fyffe, Ms Garrett 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 O’Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

Family and Community Development Committee — (*Council*): Mr Finn. (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards 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 Patten, 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 — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

Parliamentary Services — Secretary: Mr P. Lochert

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

President:

The Hon. B. N. ATKINSON

Deputy President:

Mr K. EIDEH

Acting Presidents:

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

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The Hon. G. JENNINGS

Deputy Leader of the Government:

The Hon. J. L. PULFORD

Leader of the Opposition:

The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:

The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:

Mr L. B. O'SULLIVAN

Leader of the Greens:

Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina ¹	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ⁶	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel ²	Western Metropolitan	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew ⁷	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin ³	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	VILJ
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Gepp, Mr Mark ⁴	Northern Victoria	ALP	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 ⁵	Northern Victoria	ALP	Symes, Ms Jaelyn	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 Appointed 16 April 2015

² DLP until 26 June 2017

³ Resigned 27 May 2016

⁴ Appointed 7 June 2017

⁵ Resigned 6 April 2017

⁶ Resigned 25 February 2015

⁷ Appointed 13 October 2016

PARTY ABBREVIATIONS

AC — Australian Conservatives; ALP — Labor Party; ASP — Australian Sex Party;

DLP — Democratic Labour Party; Greens — Australian Greens;

LP — Liberal Party; Nats — The Nationals;

SFFP — Shooters, Fishers and Farmers Party; VILJ — Vote 1 Local Jobs

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Thursday, 10 August 2017

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.35 a.m. and read the prayer.

**EQUAL OPPORTUNITY AMENDMENT
(IMPROVED PROTECTION) BILL 2017**

Introduction and first reading

Ms PENNICUIK (Southern Metropolitan) introduced a bill for an act to amend the Equal Opportunity Act 2010 to further extend protections against discrimination, to confer additional powers on the commission including to conduct public inquiries, enter into enforceable undertakings and issue compliance notices, to make other amendments to enhance the administration and enforcement of the act, and to make consequential amendments to certain other acts, and for other purposes.

Read first time.

OFFICE OF THE PUBLIC ADVOCATE

Community visitors report 2015–16

Ms MIKAKOS (Minister for Families and Children), by leave, presented report.

Laid on table.

BUSINESS OF THE HOUSE

Adjournment

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

That the Council, at its rising, adjourn until 12.00 p.m. on Tuesday, 22 August 2017.

Motion agreed to.

**FIRE SERVICES BILL SELECT
COMMITTEE**

Reporting date

Mr RICH-PHILLIPS (South Eastern Metropolitan) — By leave, I move:

That the resolution of the Council of 21 June 2017 establishing the Fire Services Bill Select Committee be amended so —

- (1) as to allow the chair of the select committee to transmit a report to the Legislative Council on a day when the

Legislative Council is not sitting, by giving the report to the Clerk of the Legislative Council;

- (2) as to require the Clerk of the Legislative Council to —

- (i) give a copy of the report to each member of the house as soon as practicable after the report is received under paragraph (1);
- (ii) cause the report to be published on the committee's website as soon as practicable after receiving it;

- (iii) cause the report to be laid before the house on the next sitting day of the house;

- (3) the report that is given to the Clerk of the Legislative Council under paragraph (1) is to be taken to have been published by order, or under the authority, of the houses of the Parliament; and

- (4) the publication of the select committee report under paragraph (2) is absolutely privileged and the provisions of sections 73 and 74 of the Constitution Act 1975, and any other enactment or rule of law relating to the publication of the proceedings of the Parliament apply to and in relation to the publication of the report as if it were a report to which those sections applied and had been published by the Government Printer under the authority of the Parliament.

Motion agreed to.

The PRESIDENT — Reflecting on yesterday and the vote in the house, can I just be advised by members who have travelled anywhere in the Parliament and have found difficulty hearing our bells. In other words, if there are spots that are not covered by the bells that members have encountered at any time, could they let me know so we can make sure that members are able to understand when a vote is on in the house? We did find one yesterday in a very privileged place. If there are any others, please let me know.

MINISTERS STATEMENTS

Youth Parliament

Ms MIKAKOS (Minister for Families and Children) — I rise to update the house on the recent YMCA Victoria Youth Parliament that took place between 3 and 6 July and to advise the house on how the Andrews Labor government is providing meaningful mechanisms to engage and involve young Victorians with issues that are important to them. The Youth Parliament gives young people from right across the state the opportunity to be heard at the highest levels of government and 120 young people took part in this year's Youth Parliament, the 31st Youth Parliament.

The Andrews Labor government is a proud supporter of the Youth Parliament and contributed more than \$100 000 in funding for this year's event to support and raise the voices of young people. I was proud to open the Youth Parliament and in particular to welcome the inspiring young participants from Deaf Children Australia, who participated for the first time. Their six-member team introduced a bill relating to public transport accessibility, which was warmly received by all. Seeing the Youth Parliament operate with the Auslan language on display for all was really a salient lesson for all of us as parliamentarians about the lack of accessibility of our own Parliament.

Since the inception of Youth Parliament in 1987 more than 20 bills have gone on to become legislation in this state, including laws on mandatory bike helmets, roadside drug testing and gun reforms. I take this opportunity to congratulate the volunteer task force of past participants and YMCA staff who were involved in taking part in the program and mentoring the young people involved from May this year and who assisted them in refining their bills during the weekend-long residential camp.

We had young parliamentarians travel from all over Victoria to be a part of the Youth Parliament: from East Gippsland, Castlemaine, Wangaratta, Shepparton, Mildura and Gannawarra, and of course from right across Melbourne. The bills that were passed will be distributed now by me to relevant government ministers for their consideration. They included topics such as labelling the environmental sustainability of food products, increasing awareness about racial discrimination, and highlighting public transport affordability for students.

The Andrews Labor government is committed to working in partnership with young people to ensure they are engaged in issues of importance to them. I take this opportunity to congratulate all the young people who participated in this year's Youth Parliament, and I look forward to seeing their continued engagement in the political process.

Kaniva Community Hub

Ms PULFORD (Minister for Agriculture) — I rise to update the house on the completion of the Kaniva Community Hub. In 2015 through consultation with West Wimmera Shire Council and the community it was identified that the Kaniva Community Hub was a priority project for a community experiencing drought. Four-hundred and ninety-five thousand dollars was provided to the West Wimmera Shire Council for their \$815 000 project. The project was funded as part of the

Victorian government's \$27 million drought response package and through the rural development stream of the government's \$500 million Regional Jobs and Infrastructure Fund. The project was well supported by the local community, with cash contributions from the Kaniva-Leeor United Football Club of \$100 000, the West Wimmera Shire Council of \$50 000, the Kaniva Hockey Club of \$10 000, the Kaniva-Leeor United Netball Club of \$10 000, the Kaniva A & P Society of \$1000 and fundraising and philanthropic contributions of \$99 000. There was also remarkable in-kind and non-financial support of \$50 400.

Building on existing facilities, the hub now has a commercial kitchen, a function room that will seat 100 to 150 people, a meeting room, storage rooms, second-storey viewing boxes with an elevator lift for accessibility, upgrades to three-phase power supply and an upgraded water supply. As well as being a base for so many community sporting clubs, the Kaniva Community Hub will be utilised for large annual events like the Kaniva Show, the Kaniva Community Monster Auction and the Kaniva Lions car and bike show, each attracting more than 600 people. I take the opportunity to congratulate the West Wimmera Shire Council and the community of Kaniva for such a terrific project, which was completed well and is something that will be a wonderful asset for this community.

MEMBERS STATEMENTS

Nick Paraskavas

Mr JENNINGS (Special Minister of State) — I do not normally make 90-second statements in this chamber and neither does Greg Mills normally make speeches, but both of us have broken a rule to actually mark our love and respect for Nick Paraskavas, who has unfortunately lost his life. He is an important part of the Parliament's family. It is absolutely essential that we mark this passing with love and respect for a man who contributed so much in such an unassuming way. It is probably most appropriate that I speak in a very short speech to mark his passing, because in fact that was a hallmark of every encounter that Nick and I had. They were always fleeting moments. We never spoke very many words together, but we had a deep and meaningful connection. In fact his depth, his knowledge and his wisdom were conveyed through the glint of his eye and through his smile and through the giggles that we shared. In fact I imagine that was a hallmark of his interactions with many members of the parliamentary family.

On behalf of this part of the parliamentary family I say to his loved ones that we were privileged to be at his

funeral to share those moments with other members of this community in this Parliament — this perverse community that brings people together from all aspects of working life. Whether you are a politician or you are a professional who works in this place, this is a strange place to work. The moments that we shared were deep and meaningful, and that they can be conveyed without words and in a very telling way is a hallmark of the love and regard that we hold Nick in, and we share for Fiona and his loved ones our deepest condolences at his passing.

Port Fairy Hospital

Mr PURCELL (Western Victoria) — On 21 July it was my pleasure to attend the official opening of stage 1 of the redevelopment of the Moyne Health Services at Port Fairy Hospital. The local community partnered with the state government to raise over \$2 million to complete this stage of the community health project. The event particularly acknowledged the hard work of the staff, including the previous CEO, David Lee; the acting CEO, Leith Parker; and many others, including Alecia Dodson. It was a particular pleasure that my community were able to welcome both the Premier, Mr Andrews, who officially opened the building, and former premier Dr Denis Napthine to this event. It was very well appreciated by my whole community.

Victorian Heart Hospital

Ms WOOLDRIDGE (Eastern Metropolitan) — I rise today to condemn Daniel Andrews's management of the Victorian Heart Hospital project. In November 2014 he committed to a standalone heart hospital that would cost \$300 million to \$350 million and that would be built by 2018. Tender documents from the government seen just last week show that that cost has blown out to between \$450 million and \$600 million — nearly double what he promised he would deliver it for. It will cost \$600 million for this standalone heart hospital, and of course this is a tender document to actually try and get other partners to put some funding in to offset what the Victorian taxpayer will have to pay.

At the time his commitment was \$150 million from the Victorian taxpayer, with the rest to be made up by project partners. The fact is project partners are not rushing to this project, because of the absolutely pathetic management of Daniel Andrews in relation to this project. This is a project that he has completely botched. Three years on and Daniel Andrews is still looking for project partners. Three years on and not a single sod has been turned. Three years on and there

has been an absolute failure to deliver on a signature promise of his for the Victorian community. These are promises that Daniel Andrews is absolutely failing to deliver on, and it is the Victorian taxpayer who is going to have to pick up the bill for his ego and his lack of ability to deliver on this project for the Victorian community.

Political donations

Mr BARBER (Northern Metropolitan) — Twee headlines and snickering humour are not serving the Victorian public very well in this latest crisis of confidence in politics. The Leader of the Opposition in the Assembly made a serious error of judgement in attending that dinner with alleged criminals. He made a serious error of judgement when he failed to set up a proper vetting process. He made a serious error of judgement when he failed to come clean about it until the *Age* newspaper disclosed it. He made a serious error of judgement when he tried to minimise the seriousness of the issue or deflect blame, and he made a serious error of judgement when he failed to apologise to the Victorian people for the mistake. He also continued his error in failing to take responsibility for doing something about it.

Now the opposition leader says that donation disclosure is a conversation for another day. In fact it is a conversation for today, right now, and other parties in this place need to jump off the fence and commit to a position on donation disclosure, which most likely would have prevented this matter from ever happening.

Nick Paraskavas

Mr LEANE (Eastern Metropolitan) — I also want to join in the tributes to Nick Paraskavas. This morning I was thinking that on Thursday mornings at Parliament I am usually grumpy. I sit in my office; I want to be miserable. Nick would come in to address the messy office that Ms Shing and I share, and he would make me laugh and talk to me about something other than politics. Even if I wanted to stay miserable, Nick would make sure that I was not.

People who enrich other people's lives every time they interact with you are a gift. Nick was a gift. I feel for his family and his close friends, especially his wife. I want to thank them for the time that we had to share their gift in Nick.

I want to also praise Greg Mills, who at Nick's funeral in my view made the best speech a parliamentarian of this house has made this year. He represented us all — every one of us here in this workplace. I was stuck on

every word, I appreciated every word and I fully appreciated what Greg did on our behalf in paying tribute to his great friend and a great friend of all of us.

Towong Shire Council

Mr YOUNG (Northern Victoria) — I would like to recognise a recent initiative of the Towong shire and congratulate them for acknowledging the value of hunting to regional communities. In their draft tourism action plan the council has flagged a desire to embrace their hunting heritage.

The culture and heritage of hunting in this country is something that I have brought to the attention of this place on numerous occasions, and wider recognition is obviously on the rise. The council is now planning for a season-opening event that has great potential to bring people to the area for a celebration with family and friends but also goes a long way to acknowledging that hunting is supported by the wider community.

For too long firearm owners and hunters have been painted in a poor light by activists and blind ideologists. I therefore thank the Towong shire for taking steps to show that this kind of discrimination is not acceptable and is damaging to regional communities and the environment. I am most certainly looking forward to attending such a proposed event and will keep a close eye on its development, and I would like to encourage other councils to get on board.

Cervical cancer

Ms FITZHERBERT (Southern Metropolitan) — I rise to acknowledge that Australia continues to take a world-leading role in the battle to eradicate cervical cancer. We have already seen the contribution Australia has made to the world through the Gardasil vaccine, and some newly published research indicates that this excellence is continuing. We have seen a collaborative study reported upon, which was led by the Royal Women's Hospital in Melbourne and the Victorian Cytology Service, in partnership with pathology labs in Victoria, New South Wales and Queensland. What that has found is that up to 93 per cent of cervical cancers in Australia could be prevented by a new human papillomavirus (HPV) vaccination, which researchers say they hope will one day almost entirely eradicate cervical cancer in this country. This is a great breakthrough and I pay credit to the researchers whose very labour intensive work has led to this breakthrough.

The director of the Royal Women's Hospital Centre for Women's Infectious Diseases and one of the authors of the report, Professor Suzanne Garland, said that the

research confirmed that girls who are vaccinated against HPV with the new vaccine would have a very high level of protection and that one day this could potentially mean a need for women to be screened less often. She stated:

The biggest message is: we must have high coverage of the vaccine to prevent the HPV infection that causes cervical cancer.

She believes that:

... with this high coverage ... we could almost wipe out cervical cancer in women —

which is fantastic.

I congratulate the Royal Women's Hospital and the Victorian Cytology Service and their partners, and I acknowledge this latest example of the women's outstanding leadership in women's health.

Assyrian Church of the East

Mr ELASMAR (Northern Metropolitan) — On Sunday, 16 July, I was invited to participate in the celebration of the consecration of the bishop-elect of the new diocese of Victoria and New Zealand, Reverend Father Ninos Elya. The consecration was witnessed by many distinguished members of the Catholicos clergy, including His Holiness Mar Gewargis III Sliwa, patriarch of the Assyrian Church of the East and numerous visiting prelates. I wish the new bishop-elect every success in his future role.

Arab Republic of Egypt national day

Mr ELASMAR — On another matter, on Tuesday, 25 July, I attended along with several of my parliamentary colleagues a very special evening hosted by the Egyptian Consul General, Mr Mohamed Fakhry, and his wife, Mrs Chirine Weheba. The event was held on the occasion of the national day of the Arab Republic of Egypt, a day much loved and celebrated by Australian Egyptians across our great country and capital cities.

Nick Paraskavas

Ms SHING (Eastern Victoria) — I rise today to pay tribute to I think one of the finest people I have met in this Parliament. Nick Paraskavas was real, he was sweet, he was authentic, he was smart. He enjoyed the discretion and confidence of everyone behind the scenes in this place, and like so many others, I am privileged to have called him my friend. Every day that Nick joined us here was made more special, more fun, more enjoyable and more real by Nick's contribution.

Nick would turn out with his sly smile and a twinkle in his eye and make every morning, every exit from the chamber and every break in proceedings an experience. I have rarely laughed harder than I have with Nick. I have rarely enjoyed better conversation in this place than I did with Nick. And I know that that is also the case for many others. To the people who sit at the clerks table and who work behind the scenes, to attendants like Greg Mills, to people who loved Nick as so many of us loved Nick: I share the hurt that we have and I can only imagine how difficult it is for Fiona and for his family. We are better for having had Nick and having enjoyed the experience of his wit and his wisdom in this place, and he will be so very missed.

**CORRECTIONS LEGISLATION
MISCELLANEOUS AMENDMENT
BILL 2017**

Committee

Resumed from 8 June; further discussion of clause 1.

Mr O'DONOHUE (Eastern Victoria) — Just to refresh, the committee reported progress on the committee stage of this bill in the second-last sitting week before the recess. The committee reported progress in relation to the case management system, recommendation 1 of the Callinan review, and its development. Ms Tierney's answer, in response to my question — which was 'So where are we up to at the moment, Minister, in that process?', in relation to the development of the case management system — was 'I do not have that level of detail on me at the moment'. So my first question to Ms Tierney is: can she now provide an answer to that question?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. This is a question that has been asked in question time as well. Again I will take the member through the three phases that relate to recommendation 1. The first phase was converting all the available paper documents so that they are electronically available. That was an exercise of literally scanning papers into computer databases. Only this was funded by the former coalition government; there were no other phases that were funded. Of course just doing that was not to serve a functioning modern Adult Parole Board of Victoria (APB), so there are an additional two phases.

The second phase, which is being undertaken now, ensures all documents created are done electronically and building the infrastructure to provide these documents more easily — literally electronic creation

of documents: hearing notes, assessments and other reports. This will be fully completed this year.

Phase 3 will ensure that documents now stored and created electronically are available through one platform, but we are not waiting for phase 2 to be completed before we start phase 3; it will be run concurrently. This will enable the APB to access through one interface all documents they need from a variety of sources at any stage of the prisoner's parole application, and that will be completed next year. Given that the project is still being completed, costs are still not available publicly.

Mr O'DONOHUE — Thank you, Minister. I thank you for that answer. As you correctly say, the delivery of recommendation 1 of Callinan has been a matter of interest in this place, particularly in light of the first Minister for Corrections, Minister Noonan, saying it would be completed by December 2015. In written responses to me in response to questions without notice you have said that phase 2 would be completed by mid-2017. Your answer now is that it will be completed this year. Why the delay?

Ms TIERNEY — I thank the member for the question. There has not been a delay. As I said, phase 3 is also now being exercised concurrently with phase 2.

Mr O'DONOHUE — Minister, with respect, I do not accept that, because as you know, you have provided written responses to me that phase 2 would be completed by mid-2017. We are either right in mid-2017 or we are slightly past it, and you are telling me phase 2 is still some months away. What is the delay between your answer to me, saying phase 2 would be completed in mid-2017, and your answer just now that it will be completed by the end of 2017?

Ms TIERNEY — Again, there is no delay. There has been a change in the management of the way in which phase 2 and phase 3 interface.

Mr O'DONOHUE — It is not a delay? Can you describe that change, Minister?

Ms TIERNEY — That micro level of information is not available to me at this point in time.

Mr O'DONOHUE — I move:

That progress be reported.

Motion agreed to.

Mr O'Donohue — On a point of order, Acting President, there is no minister in the house. I ask that

the house be suspended. There is no minister in the house. What is the government doing?

The ACTING PRESIDENT (Mr Morris) — The house will be suspended until a minister attends the house.

Sitting suspended 10.09.19 a.m. until 10.09.38 a.m.

Progress reported.

CRIMES LEGISLATION AMENDMENT (PUBLIC ORDER) BILL 2017

Second reading

Debate resumed from 9 May; motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this morning to speak to the Crimes Legislation Amendment (Public Order) Bill 2017. As we are seeing with the smooth conduct of the house this week, the government is once again in disarray. We have had two days of government business, and we have had two days where the house is a complete sham. We saw the debacle on Tuesday when the house considered the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017 and we had an extraordinary outburst from the government. The Minister for Families and Children made a public display and had a public breakdown — a hissy fit, to use the words of Ms Fitzherbert.

After a seven-week adjournment, the government realised that we had moved a reasoned amendment in respect of the youth justice legislation. It suddenly realised that that reasoned amendment has the support of the house, and we had a total hissy fit from the minister at the table. We have seen the bill disappear. We have seen —

Ms Mikakos — On a point of order, President, I take offence at the member saying firstly that I had a breakdown and secondly that I had a hissy fit in relation to the government's position on the youth crime bill. The Liberal Party, in cahoots with the Greens, is trying to kill off a bill that relates —

The PRESIDENT — What is the point of order?

Ms Mikakos — The point of order is that the member is using sexist language to refer to me and is in fact misleading the house in relation to the position, because the Liberals and the Greens together are trying to kill off a bill that deals with organised criminals.

The PRESIDENT — Minister, you are debating. It is not a point of order; you know it, and I know it. That is not a point of order.

Ms Mikakos — It's the language.

The PRESIDENT — I accept that bit about the language. You have characterised it as sexist. I do not regard it as sexist as such. I did not hear the breakdown bit. I would certainly ask Mr Rich-Phillips to withdraw the term 'hissy fit'.

Mr RICH-PHILLIPS — I withdraw. The point I was making is we had on Tuesday a complete breakdown in the government's handling of the chamber with the youth justice bill —

Ms Mikakos interjected.

Honourable members interjecting.

The PRESIDENT — Order! Minister, that is unhelpful. You will get a chance to rebut Mr Rich-Phillips's contribution later in the debate if you wish to do so. Just talk to your whip about that.

Mr RICH-PHILLIPS — Thank you, President. The point I was making was we had the children and justice legislation amendment bill on Tuesday, which the government had prioritised for debate. In June we flagged the intention to move a reasoned amendment to that legislation with respect to one section. It is as if the government disappeared into a void over the winter recess. When the bill came back on for debate on Tuesday, the coalition's position had not changed; the position was still the reasoned amendment. Suddenly the minister responsible realised that there is a reasoned amendment, realised that there is the support —

Ms Mikakos — On a point of order, President, the member is misleading the house, because the Attorney-General raised this issue with Mr Pesutto in June.

The PRESIDENT — I am not interested in members using interjections or points of order to try and convey their opinions to the house. You have a chance to make a substantive contribution in rebuttal to Mr Rich-Phillips's or indeed any other member's contribution. I will not accept it by way of interjection or by points of order that are not points of order. As I have explained to the house before, and as everybody well knows, points of order are about the processes and problems with the processes of the Parliament or of the house. They are not an opportunity to rebut, point by point, matters that are raised by a speaker. Ms Symes,

you might talk to the minister about putting her on the speakers list.

Mr RICH-PHILLIPS — Thank you, President. The point I was making is that we had that bill being considered by the house back in June, before the winter recess. The proposition of the reasoned amendment was circulated at that time. It was well known to the government that was the position the coalition was taking, and no action was taken by the government over the winter recess to follow up that position. We came into the chamber on Tuesday and the reasoned amendment was advanced by Ms —

Honourable members interjecting.

The PRESIDENT — Ms Crozier!

Mr Leane — On a point of order, President, Mr Rich-Phillips is not being relevant to this bill. He is speaking about another bill, so the point of order I have is on relevance.

The PRESIDENT — As far as I know he is speaking to this bill.

Mr Leane — Further on the point of order, he is talking about a completely different bill. He is giving a chronology around a completely different bill to the bill that he stood up to speak on a number of minutes ago.

Honourable members interjecting.

The PRESIDENT — I hear the point of order.

Ms Mikakos — Have you all been to the Lobster Cave?

The PRESIDENT — No, but there is another minister in the chamber. Please leave for 15 minutes, Ms Mikakos.

Minister for Families and Children withdrew from chamber.

The PRESIDENT — Mr Rich-Phillips, you are entitled as lead speaker to scene set if you like to cover a number of matters. I am not in a position to actually judge the merit of the specific point of order raised by Mr Leane on this occasion, but if he is correct in what he said about your content — albeit your contribution has been interrupted by a range of matters and you have not really had the full 8 minutes or so that the clock suggests — I would ask that for the benefit of the rest of the debate and the contributions of other speakers that the material you lead in with for this speech really focuses on the bill before the house today.

Mr RICH-PHILLIPS — Of course I am very happy to comply with your ruling, President. The point I was making was around the context of proceedings this week and the way in which the government's agenda has been all over the place this week, which has led us to now being on the third bill for today. Debate on the Corrections Legislation Miscellaneous Amendment Bill 2017 collapsed after 5 minutes in the committee stage with the Minister for Corrections unable to respond to questions. We then had the Uber bill disappear off the agenda — it was supposed to be the second bill we are debating today — which has led us to this bill —

Mr Leane — On a point of order, President, it is not like Mr Rich-Phillips, I have got to say, but he is flouting your ruling. He has moved on to speaking about a number of other bills instead of the bill in front of the house now. He has moved on to two other bills. As I said, it is not like Mr Rich-Phillips to flout to this degree, but he is flouting your ruling.

The PRESIDENT — Perhaps like most of us he was not expecting to be on his feet quite so early in the day. As I indicated, Mr Rich-Phillips is entitled to canvass a number of matters in his speech, albeit that I have suggested he come back to the bill specifically before the house in the interests of the broader debate as much as anything else. Mr Rich-Phillips has been canvassing comparative progress of legislation with the bill that is before us now. To that extent I can accept that line of argument, but I would still suggest that Mr Leane's point is well made about Mr Rich-Phillips coming back to this particular bill.

Mr RICH-PHILLIPS — Thank you, President. That does bring us to how we ended up on this bill, the Crimes Legislation Amendment (Public Order) Bill 2017, at 10.20 this morning. The purpose of this bill is to amend the Control of Weapons Act 1990 to give police the power to direct that a person leave a designated area and to amend the Crimes Act 1958 to replace the common-law offences of affray and riot with statutory offences of affray and violent disorder.

The legislation has come about following this government's decision in 2015 to repeal the move-on laws, which were a provision introduced by the coalition government over the course of the last term of Parliament to provide Victoria Police with the powers it needed to manage disruptions, manage demonstrations, manage behaviour which was antisocial, behaviour which impacted on ordinary citizens going about their business and behaviour which was causing disruption and unrest in the Victorian community. The coalition government saw those powers as an appropriate suite of

options or tools available to Victoria Police to manage that type of behaviour.

We have seen over the three years since the Andrews government has been in place and the move-on laws were repealed by the Parliament a number of occasions, particularly in the Melbourne CBD and quite often in the vicinity of this precinct — in Spring Street, the City Square, the intersection of Flinders Street and Swanston Street — where people have elected to undertake protests, rallies and the like to the great disruption of Victorian citizens. That is a direct consequence of this government's decision to repeal the move-on laws.

There have been violent protests in the CBD. There have been protests in surrounding inner-city suburbs where we have also seen that type of behaviour from protestors who are running agendas with very little regard for the welfare of other Victorian citizens and who are only interested in pushing their own agendas and their own profiles. This has had a significant impact on the broader Victorian community, the broader Victorian citizenry. Intimidating people who are going about their business, interrupting people who are going about their business, interrupting commerce in and around the city of Melbourne is behaviour which is totally inappropriate. And it is behaviour which was enabled by this government's decision to repeal those move-on laws in 2015.

So here we are now some two years on from that decision to repeal those move-on laws and the government, through this Crimes Legislation Amendment (Public Order) Bill, is effectively conceding it got it wrong. Once again this Labor government got it wrong on law and order, got it wrong on being tough on crime. We are seeing this bill come forward today which seeks to make a number of amendments to the Control of Weapons Act and the Crimes Act to reinstate capacity for Victoria Police to manage some of these incidents which have become all too prevalent in Melbourne and the inner-Melbourne suburbs over the last two and half years.

Some of the key provisions in the bill include part 2, which deals with amendments to the Summary Offences Act 1966. It proposes that councils must consult with Victoria Police before granting applications for permits for the use of council land, road closures and the like to facilitate public protests. This of course is to ensure that Victoria Police are in the loop as to when and where these events are going to take place. We have seen some inner-city councils where half the councillors seem to be more aligned to protestors than municipal representatives, facilitating disruptive protests and the like. This mechanism of requiring

consultation with Victoria Police before councils facilitate these rallies and demonstrations through the issuing of permits we think is a useful step.

What is not clear from part 2 of the bill is the way in which consultation will be facilitated, what consultation actually means in terms of part 2 of the bill and how that statutory requirement for consultation is going to be achieved, because it is not clear as to how the satisfaction with which consultation has been achieved will actually be tested in the granting of the permits. Part 3 of the bill deals with amendments to the Control of Weapons Act 1990, which slightly expands some of the obligations of the Chief Commissioner of Police in relation to planned and unplanned demonstrations. The use of the control of weapons regime is predicated on a reasonable basis for the chief commissioner to conclude that weapons may be used in the context of a protest.

Clause 6 of the bill gives police the powers to direct a person to leave a designated area if they are wearing a face covering which they refuse to remove or are suspected of intending to engage in affray or violent disorder. It also imposes additional reporting requirements on Victoria Police. This is an issue which has become more problematic in protests and riots around Melbourne and Victoria over the past two years — protestors appearing with face coverings so that they cannot be readily identified engaging in protest activity, quite often violent protest activity, using the benefit of their face covering to obscure their identity. Particularly where you have multiple protestors using the same mask or head covering, it makes it difficult for Victoria Police to identify individuals in a riotous crowd, as we have seen time and time again.

Through clause 7 the bill also creates an offence, with a financial penalty of up to 5 penalty units, for a person that fails to comply with a direction that is given by Victoria Police under clause 6. Again we think it is more than reasonable that there be a penalty that can be imposed for failing to comply with a direction from Victoria Police with respect to a direction to leave a designated area where protest activity is being undertaken. The bill goes on to abolish the common-law offences of affray, rout and riot, replacing them with the new statutory offences of affray and violent disorder. That reflects an ongoing, almost continuous process of codifying many of our common-law offences. Obviously many of these offences date back hundreds of years, back to the Westminster British legal system. They have been in many instances inherited by the Victorian legal system. It is quite often appropriate that the common-law offences are codified and enshrined in statute. That is

something that we see ongoing from time to time with a range of offences.

The coalition's view of this bill is that we will not oppose it. It is a recognition by the government that the government got it wrong with the repeal of the move-on laws. We are concerned that the provisions in this bill are far more restricted than the provisions which existed with the move-on laws prior to their repeal in 2015. These provisions do not give the same flexibility to Victoria Police to manage riotous behaviour and the sorts of protests which have become all too common in this city, disrupting third parties and innocent Victorians going about their business.

We are concerned that the statutory structure of the new offences of affray and violent disorder may in fact have the perverse outcome of making prosecutions more difficult, given that the drafting of the statutory offences has the appearance of being narrower than the previous judicial interpretation of the common-law offences that are being repealed. We do not believe it is an appropriate step to narrow those offences. Codifying them is something that has been an ongoing process in a range of common-law areas, including common-law criminal offences, where we see the common law restrained by the subsequent statutory framing, as appears to be the case with these two new offences. We do not believe that is an appropriate step, if that is in fact the outcome of this legislation.

One of the other shortcomings with this bill is that it does not reinstate the exclusion orders, which were a feature of the previous move-on law framework which prevented violent reoffenders from entering designated areas that had been identified by Victoria Police in relation to particular protests or activities. That previous regime allowed an order to be made excluding someone for 12 months. We obviously believed that was an appropriate tool within the move-on laws framework, and we think that it is a shortcoming of this bill that that has not been restored with the framework that is coming forward.

The coalition sees this bill as a good step insofar as it is the government finally realising that it got it wrong on move-on laws, that as a consequence of the repeal of move-on laws we have seen time and time again an outbreak in riotous behaviour in Victoria, a growing disregard for Victoria Police by criminal elements in our community and people undertaking riotous assembly and protests. This is a direct consequence of the government's weakening of the powers of Victoria Police in 2015. This bill is a recognition of that. It goes some way toward restoring those powers and tools Victoria Police had. It certainly does not go the full

way. It is still deficient in many respects, but it is an improvement on the situation that this government has landed us in through its repeal of the move-on laws. So in that sense it is a positive step, and the coalition will not be opposing it.

Mr SOMYUREK (South Eastern Metropolitan) — I rise in support of the Crimes Legislation Amendment (Public Order) Bill 2017. The purpose of this bill is to provide police with additional powers for use within areas of events designated under the Control of Weapons Act 1990; to repeal the common-law public order offences of affray, riot and rout; to create new statutory offences of affray and violent disorder; and to require local governments to consult with Victoria Police when considering a request for a protest-related permit issue.

The bill delivers on commitments made by the Minister for Police following consultation with the Chief Commissioner of Police in relation to several unacceptable public disturbances in recent times, including outbreaks of violence at protests, demonstrations and public events. Currently police have the authority to declare a specific area or indeed a specific event to be a so-called designated area under the Control of Weapons Act 1990, so long as the chief commissioner is satisfied from a range of available intelligence that there is a likelihood that violence or disorder involving the use of weapons will occur in that area.

A designated area gives police additional powers to search people and vehicles within that area for the duration of the designation. The experiences of police during violent outbreaks at recent events such as at the Summersault Festival, Moomba and violent protests at demonstrations highlighted the need for additional powers within the designated areas. This bill therefore provides police with additional powers under the Control of Weapons Act to require a person to leave a designated area if police reasonably believe that person intends to use the kind of violence and indeed engage in antisocial behaviour that would constitute one of the new public order offences of affray or violent disorder created by the bill. If the person refuses the direction to leave, they will be committing an offence.

With respect to the issue of move-on laws, we believe that the move-on laws were draconian in that they were specifically designed to target peaceful protests by community organisations and industrial actions taken by Victoria's nurses, teachers or others participating in the democratic process of protesting. The fact is Victoria Police already had and still retains the power to give a move-on direction to a person to leave a public

space. Such a direction could be given if a police officer suspected on reasonable grounds that a person is, A, breaching, or likely to breach, the peace; B, endangering, or likely to endanger, the safety of another person or damage property; or, C, the behaviour of the person is likely to cause injury to a person or damage to property or is otherwise a risk to public safety.

So we have these laws to keep peace and order in everyday situations, and then we have designated area classifications in which powers need to be expanded through this bill in order to cater for new antisocial and violent conduct. The fact that a protest is designated under these laws due to the anticipated violence of potentially a small number — and we should stress that it is always a small number of troublemakers — will not prevent other participants from continuing to engage in peaceful protests. An example of this is the unfortunate violent protests that took place in Coburg earlier this year in which people attended and it was clear that they were intending to perpetrate violence. Wearing a face mask, I guess, was a good indication of that. Obviously the face masks and face coverings concealed their identity as they set about engaging in violence and antisocial behaviour, in other words wreaking havoc in the quiet streets of the these days genteel suburb of Coburg.

Some people attended peacefully — most people attended the rally peacefully — while others with violent intentions were anticipated because of the nature of the groups attending. In other words, when people come to these marches with face coverings, you know their intentions are not pure. You know that trouble is likely to be a corollary of such a gathering with people concealing their identities by wearing face coverings.

On the question of face coverings, in a disturbing trend violent protesters or people displaying antisocial or violent intent have been wearing face masks or bandanas et cetera to conceal their identities to avoid being charged with committing an offence. In response this bill will provide police with the power to direct a person wearing a face covering either to remove their face covering or to leave the area immediately. If a person chooses to remove their face covering, that person is actually free to stay in the area and continue protesting peacefully. If they refuse to remove the face covering and refuse to leave the area, they will be committing an offence according to this bill. The laws relating to face coverings apply only to those participating in antisocial and violent conduct and deliberately hiding their identity or protecting themselves from capsicum spray. The laws do not —

and I repeat: the laws do not — apply to people wearing face coverings for religious or cultural purposes.

As I mentioned before, two new statutory offences are created by this bill. The first is the offence of affray, which exists currently as a common-law offence and in elements in case law but not in legislation. Other Australian jurisdictions have abolished affray as a common-law offence and have replaced it with a statutory offence. Affray is an offence that involves unlawful fighting, violence or any display of force by at least one person against one or more people and which a reasonable bystander would be terrified by. The more serious offence is the new offence of violent disorder, which will be punishable by a maximum penalty of 10 years imprisonment. This offence will be committed when six or more persons use violence for a common purpose and that conduct damages property or causes injury to a person. As the common-law offence of riot is abolished by this bill, the new offence of violent disorder could apply to prison riots provided more than six participants were involved. These offences will carry a higher penalty if committed by a person wearing a balaclava or other face covering.

This bill also importantly formalises existing informal arrangements for consultation to occur between councils and police when councils issue permits for planned protest action within their municipalities. In conclusion, this is a commonsense, balanced bill that provides greater powers to police to enable them to keep the public safe when the actions of violent perpetrators disrupt the peaceful democratic proceedings of others. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — I rise to speak on the Crimes Legislation Amendment (Public Order) Bill 2017. This bill does the following: it amends the Control of Weapons Act 1990 to provide police with additional powers so as to direct people wearing masks in certain circumstances to leave a designated area, it amends the Crimes Act 1958 to introduce new public order offences to replace existing common-law offences and it amends the Summary Offences Act 1966 to impose on local government a requirement to consult with Victoria Police when considering applications for permits that relate to proposed protests.

At the outset I have to say that while we understand that it is important for the police to have enough powers to deal with unruly behaviour in the public sphere, we do not actually see the need for the anti-mask provisions that are in this bill. What they do is permit police officers to direct a person to leave a designated area if the officer holds a reasonable belief the person is

wearing a mask to conceal their identity or to protect themselves from crowd-control substances and the person has refused to remove the mask. The government says it is aimed at protesters who are wearing balaclavas and other face coverings for an unlawful purpose. What I would say in response to that is that this is already not allowed; it is already illegal under the Summary Offences Act. Under the Summary Offences Act:

A person must not with unlawful intent—

- (a) be disguised or have a blackened face; or
- (b) have an article of disguise in his or her custody or possession.

The penalty for that is two years maximum imprisonment. It is already against the law under the Summary Offences Act to wear a face covering or to have one in your possession for an unlawful purpose. Only yesterday I was speaking about the introduction by way of a private members bill of an unnecessary offence — of an offence that already exists — and again I am speaking about it now. The government is putting forward another offence which is already illegal under the Summary Offences Act. That is the first point — that we already have an offence with regard to unlawful behaviour while wearing a mask or wearing a disguise under the Summary Offences Act.

The other issue with this particular provision in the bill is that it gives police the power to ask a person to leave a designated area if they are wearing a face covering with the intention of concealing their identity or with the intention of avoiding breathing in fumes from substances that may be deployed by the police, such as capsicum spray. I listened to Mr Somyurek's contribution, and he made two comments. One was that if persons are in a designated area or, as he said, at a protest — and in Australia people have the right to protest — and they are wearing a face covering, 'we know what they are up to'. People could be wearing a face covering at a protest for any number of reasons. For example, they may be wearing a mask of a famous politician to make their political point or they could be wearing a fun mask to make a lighthearted point about their protest. There is no way that the intent can be reasonably understood by the police.

The other point which is of great concern to the Greens, and again Mr Somyurek mentioned this in his contribution, is that the bill does not allow the police to ask someone who was wearing a face covering for a religious or cultural reason to actually do that. There is nothing in the bill that says that; there is nothing in the bill to safeguard that. It says, 'if the person is wearing

the mask to conceal their identity or protect themselves from crowd-control substances'; that is what the police officer has to form the reasonable belief about. But there is no guidance as to what type of face coverings can and cannot be worn, so this infringes on political expression. People may be wearing masks for medical reasons. They may be wearing face coverings for cultural or religious reasons, for political expression reasons or for entertainment purposes. As I said, it is already an offence to be disguised for an unlawful purpose. There is already an offence under the law for this, so there is no need for this particular provision in the bill.

The Greens have some amendments which I circulated just a couple of minutes ago because I had indicated to the leaders of the various parties and the crossbench that I would circulate new amendments this morning ahead of debate on this bill this afternoon, but the bill has come on very quickly, so I am happy to have my amendments to the bill circulated.

Mr Ramsay — On a point of order, Acting President, I might just be predetermining that outcome, but I have not seen the amendments. Ms Pennicuik indicated to us that they had been circulated.

The ACTING PRESIDENT (Mr Morris) — Thank you, Mr Ramsay. Said amendments are being circulated as we speak I understand at this point, so hopefully they will be in your hot little hands in the not-too-distant future.

Greens amendments circulated by Ms Pennicuik (Southern Metropolitan) pursuant to standing orders.

Ms PENNICUIK — To continue, the first amendment that we wish to move will be to remove this new provision from the bill. Given this is the government's bill I presume they will not support the amendment. However, I hope others in the chamber will be persuaded by what I am saying — that is, that this is already illegal and there is no need for this particular provision in the bill. Should the amendment not be supported, then my colleague Ms Hartland will move a subsequent or alternate amendment to that provision. Following on from the ability of a police officer to direct a person to leave a designated area if they are wearing a mask to conceal their identity, the amendment to be moved by Ms Hartland reads:

To avoid doubt, a police officer must not give a direction to a person under subsection (1) if the police officer is satisfied that the person is wearing a face covering, primarily—

- (a) for cultural or religious reasons; or

- (b) for medical reasons; or
- (c) for the purpose of political expression; or
- (d) for entertainment purposes; or
- (e) because the person is engaged in trade or employment where a face covering is required to ensure the physical safety of the person.

There are no provisions similar to this anywhere else in Australia but there are in other parts of the world. Wherever they exist in other jurisdictions they are qualified by similar provisions to that contained in the amendment that will be moved by Ms Hartland. In the United States, Canada and other places where they have this type of provision in their law they qualify it, allowing particularly for political expression and for religious and cultural reasons — that is, police are not permitted to ask people to remove those face coverings.

Of course, ipso facto, if you have a face covering on, your identity is disguised, but if the reason you are wearing a face covering is a cultural or religious reason or if the motivation for wearing it is for a political expression reason or for entertainment or for something like that, it does not follow that the motivation is nefarious or unlawful. There is very little guidance in this bill for the protection of peaceful protest and protest involving costumes or face coverings of a political nature.

Turning to the other parts of the bill, the bill amends the Crimes Act to introduce new public order offences to replace certain common-law offences. A new offence will be the offence of affray, and there is a new statutory definition of affray under clause 8, which reads:

A person who uses or threatens unlawful violence and whose conduct would cause a person of reasonable firmness present at the scene to be terrified commits an offence and is liable to—

- (a) level 6 imprisonment (5 years maximum); or
- (b) imprisonment for 7 years if, at the time ... the person is wearing a face covering used primarily—
 - (i) to conceal the person's identity ...

Again, this is unnecessary because a court would decide whether that was an aggravating circumstance, and it is not necessary to put it in the offence.

A new statutory offence of violent disorder will be inserted by the bill. I did have some concerns about these new offences, but I take the point that Victoria is the only jurisdiction that has not converted those common-law offences into statutory offences. I had

some discussions with the Attorney-General about these new offences, and on balance the Greens are not going to be opposing those.

With regard to the other main provision of the bill, which is the amendment to the Summary Offences Act 1966 to impose on local councils the requirement to consult with police when they are considering applications for permits that relate to proposed protests, it is a good idea. I am not sure that it necessarily has to be put into the Summary Offences Act. I would have thought in many cases local councils and police do work together on protests that are planned for the area whereby a council has to issue a permit. It is my understanding that that just generally happens, and I would have thought you could actually acquit this via a protocol between the police and local councils or a memorandum of understanding. I do not necessarily think you have to put it in the act. Nevertheless, we will not be opposing that particular provision.

In conclusion, the Greens have concerns with the main provision of the bill. Basically it is unnecessary and ill-defined, and it will capture people who should not be captured in terms of wearing legitimate face coverings in what is deemed a designated area by the police for what in many cases, probably in most cases, will be a political protest.

Mr RAMSAY (Western Victoria) — I am pleased to be able to make a contribution to the debate on the Crimes Legislation Amendment (Public Order) Bill 2017 at 11.01 this morning. I mention that because, if I read the orders of the day, we were supposed to do the Corrections Legislation Miscellaneous Amendment Bill 2017 in committee and then we were supposed to do the Commercial Passenger Vehicle Industry Bill 2017 in committee. That was going to be a great opportunity for me to actually represent the concerns of many of our regional taxi service providers across Western Victoria Region who have asked me to go into some detail through the bill — particularly in relation to the role Uber would play, particularly where there is no Uber in regional areas — and to start delving down into the committee stage of this bill, but sadly —

Ms Pulford — On a point of order, Acting President, Mr Ramsay is talking about the ridesharing legislation. That will be considered by the house later today. He is talking about the wrong bill. I would encourage you to get him to talk about this one.

The ACTING PRESIDENT (Mr Morris) — Thank you, Ms Pulford. I think Mr Ramsay was giving us some context about why we are where we are today,

but I am sure Mr Ramsay will come back to the substance of the bill now.

Mr RAMSAY — I thank Ms Pulford because it gives me an opportunity to talk about her own city of Ballarat, which I know you are very conversant with, Acting President. In fact the taxi industry and the small business taxi operators there have said very clearly that creating more competition in an over-competitive market like Ballarat will have a significant impact on their businesses, their viability and their sustainability. But as Ms Pulford says, because of the shemozzle of the government this morning in setting down the orders of the day, we are not going to have that opportunity to do that work in committee at this point. Maybe this afternoon, maybe tonight, maybe tomorrow — who knows? — but we do have this bill before us this morning.

Strangely enough, I question why it has taken so long for this bill to come to the Legislative Council. It is a bill that we are not actually opposing. It is a bill that actually reflects, in part, the legislation we introduced four years ago. Strangely enough, when the Andrews government came into government, the first thing they did was repeal the move-on laws, so here we have a bill trying to reintroduce them in another form that will give a little more teeth and strength to Victoria Police to be able to move on those who protest unlawfully so they do not actually impact on those who are going about their normal, legal business.

I note Ms Pennicuik has proposed amendments, which I understand we will have some discussion about later. It is not surprising, given that the Greens are more motivated to protest both legally and illegally than any other political party in this chamber. So I am not surprised that one of the amendments Ms Pennicuik sees fit to put to the chamber is that they want the right to be able to hide their faces, to not be visible and to wear balaclavas and other face coverings that will actually hide themselves —

Ms Hartland interjected.

Mr RAMSAY — yes, Ms Hartland, you too — when they walk up and down Bourke Street with their banners protesting about just about every normal social activity known to man. But I digress.

It is a serious business as part of this bill to provide police with powers to be able to remove principally those face coverings that have the purpose of trying to hide the wearer's identity, not someone who may be wearing a Batman outfit who wants to flaunt themselves up and down Bourke Street in a male bucks

party. It is more about those that purposely hide their identity knowing that they are engaged in an illegal activity, particularly in relation to protests.

Let me quickly get back to this bill in the limited time I have. The bill contains a number of measures designed to ensure that Victoria Police have the appropriate powers to deal with disturbances of public order. The need for these measures has been highlighted by recent violent clashes at protests, sporting events and other public gatherings. I just want to make note of two particularly. The Moomba riots were an absolute disgrace. It was very disappointing to see a significant protest that actually led to significant physical damage to those who were innocent bystanders. It was disappointing to see the police not have the powers vested in them to be able to take control of that situation and also to be able to provide public safety for those that were enjoying the activities of Moomba. The fun and excitement that many young families go to the Yarra to enjoy at Moomba were compromised by a small section of our community that saw fit to purposely and illegally make mischief. This bill, to identify and give more strength to Victoria Police's armour in relation to responding to those types of events, is applauded.

New statutory public order offences will be created by the bill and three outdated common-law offences abolished. The new offences will carry aggravated maximum penalties where they are committed by someone covering their face with a bandana or a scarf to obscure their identity or shield themselves from capsicum spray, in recognition of the impact on victims and the difficulty for police in identifying offenders.

I see Ms Mikakos is back in the chamber after 15 minutes of fame and withdrawal.

Ms Mikakos interjected.

Mr RAMSAY — I am going to get to that. There is nothing wrong with vegetables.

Ms Mikakos interjected.

Mr RAMSAY — Ms Mikakos, I can see you have moved from your traditional Greek spaghetti obviously over to vegetables, because I have to say that the diet that it looks like you are embarking on has made you look significantly healthier and fitter.

Ms Mikakos interjected.

Mr RAMSAY — I am sure it is because of the increase in your diet of seafood and vegetables and fruit that definitely we have long been advocating for.

Ms Mikakos — On a point of order, Acting President, I think that was a backhanded compliment that Mr Ramsay was attempting to give me. I do not think it is really appropriate to be commenting on people's diet or eating habits in this place, nor their girth or their weight. I did make the comment that Mr Ramsay did seem to have fruit and vegetables on the brain today, but I do think it is important that he does come back to the subject matter in the bill.

The ACTING PRESIDENT (Mr Morris) — Thank you, Ms Mikakos. I am quite sure Mr Ramsay was just about to come back to the substance of the actual bill.

Mr RAMSAY — As a farmer I am very proud to be able to provide the best food in the world from country Victoria in the region I represent, Western Victoria Region. I know Ms Pulford has been a strong advocate for those farmers that produce those rich vegetables and fruit that make their way to the wholesale market at Epping. It is pleasing that on this side of the chamber we take an interest in that industry and the wholesale market and how that actually operates in the state of Victoria. I am sorry that Ms Mikakos has not seen fit to avail herself of knowing how that pathway between production, processing and wholesale works. I encourage her to come out to the wholesale market at Epping and have a look at what goes on in relation to the transaction sales of fruit and vegetables and even seafood.

Back to the bill. I note that the bill provides additional search powers to be used by police in areas designated under the Control of Weapons Act 1990. The requirements for declaring a designated area differ between planned and unplanned designations. However, before making any type of designation the Chief Commissioner of Police must be satisfied that violence or disorder is likely to occur and that the designation is necessary to protect the safety of all people in the area.

I am not going to go through each section, but I would like to just highlight a couple of areas of the bill. As I said, it was disappointing that the government moved to repeal the move-on laws, because we have seen significant activity, particularly with the CFMEU and John Setka, a very good friend it would appear of the Labor Party, using his forces to mobilise his troops to stop the normal legal activity of some of the industries, businesses and buildings on sites around the CBD of Melbourne. Sadly with the repeal of those move-on laws Victoria Police's hands were tied in relation to what they could do to move on this illegal activity in our CBD.

On the area around consultation, I note that there is now a legislative tool in this bill to have councils consult with Victoria Police in relation to any potential permit for a protest. I thought that would be the normal order of business, for any council to consult with police in relation to a proposed protest in their municipality. I am pleased to see now that if that is not the case in some municipalities there will be a legislative tool to make that happen. I think that is an important part of this bill.

On the powers to remove face coverings, I think I have already gone over them. I think it is important where there are protests that police have the opportunity to ask those involved in those protests, if they are actually trying to shield their identity, to remove whatever coverings they are using for that purpose, in case they do act illegally. Police are then able to face image those people and bring them to justice if required.

Mr Gordon Rich-Phillips raised an important point about this bill, and that is the lack of flexibility in the bill. It is very rigid. It is disappointing to see that the government did not see fit to reinstate the exclusion laws. I think it is important that where there are known criminal elements or criminal persons in a proposed protest they are excluded from that activity, but it would seem that this act does not allow police those powers in relation to potential exclusion laws.

In summary, as I said, we do not oppose this bill. Actually I cannot quite understand why it has taken so long for this bill to get to the chamber. It is a fairly simple bill in relation to giving police more powers in dealing with public protests. It is a bill that should have been dealt with very early in the piece. That might have prevented some of the very dangerous activities that we have seen by organisations like the CFMEU, the riots that happened at Moomba and incidents where there have been other large gatherings not only in the city but obviously out in regional areas as well. We do not oppose this bill, and I look forward to its quick passage.

Ms PATTEN (Northern Metropolitan) — I would like to speak briefly on the Crimes Legislation Amendment (Public order) Bill 2017. As previous speakers have mentioned, this bill does a number of things. Firstly, it codifies the offence of affray and also introduces the offence of violent disorder. This is obviously a natural extension from codifying affray. It seems somewhat strange that affray has not been changed considering how frequently people are actually charged with affray. The fact that it has stayed as common law for so long is curious. It has certainly made life more difficult for the courts, police, lawyers and prosecutors. I certainly think this is a sensible

change and correctly imports the previous common-law elements of the offence.

I go on to the second part of the bill, which deals with face coverings in designated areas. When police have designated an area they will have greater powers to remove people from those areas if they are wearing a face covering. The bill is quite specific about the reasons for wearing that face covering. I note Ms Pennicuik's comments that disguises are already covered in the Crimes Act 1958, but I do believe that this is a fairly controlled section of the act, and proposed new section 10KA gives me some relief that there are only very specific occasions when a police officer could direct a person wearing a face covering to leave the designated area. The police officer must reasonably believe that the person is wearing the face covering to conceal that person's identity or to protect that person from the effects of crowd-controlling substances and the person refuses to remove that covering when asked to do so. So these are very specific areas. I do not think it would capture someone who was wearing a face covering for cultural reasons or for health reasons but was not doing it to hide their identity or to act violently. I am fairly comforted by those safeguards in there. These laws apply to designated events only, so they would be exercised infrequently.

Having said that, I have had very mixed feedback about this section of the legislation, and certainly some people at the Islamic Council of Victoria — I note that this was not their official position — were concerned about the potential of these laws to discriminate against those who wear facial coverings on religious grounds. I do not share that concern. I think the safeguards in the legislation actually protect from that. Obviously some groups like Liberty Victoria have also expressed concerns that this would impinge on basic freedom of speech, expression and assembly. They said:

The right to protest should not be contingent on consent to surveillance.

Having seen what went on in the Coburg riots last year, just up the street from my office, it was really appalling behaviour. It was intimidating behaviour, and I think some of those face masks enabled people to act in a far more violent way and in a far more offensive way to the residents and to the business operators in that area.

That leads me onto councils needing to consult with police when any protests are planned in their area, but they do not need to abide by any advice the police give them. And certainly that was the situation in Coburg last year where the police did advise Moreland council to prevent that protest because they were concerned

about the violence that could occur. The police were quite correct. The protests went ahead. It did turn into some form of a riot. Businesses had to close down for a significant part of Sydney Road, and it really frightened a lot of the residents. I do not think that it was a matter of free speech. It was just a matter of a bunch of thugs from both sides of an argument getting together and just being incredibly unpleasant. So while I am somewhat ambivalent about these changes to the legislation, I will support this bill.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 5 agreed to.

Clause 6

Ms PENNICUIK (Southern Metropolitan) — I move:

1. Clause 6, lines 24 to 30 and page 6, lines 1 to 6, omit all words and expressions on these lines.

This is an amendment to clause 6 which would remove new section 10KA from the act. New section 10KA(1) provides that:

A police officer may direct a person wearing a face covering to leave a designated area if—

- (a) the police officer reasonably believes the person is using the face covering primarily—
 - (i) to conceal the person's identity; or
 - (ii) to protect the person from the effects of crowd-controlling substances; and
- (b) the person refuses to remove the face covering when requested by the police officer to do so.

I will just briefly reiterate the comments I made in my contribution. The Greens do not believe this section is needed, because it is already illegal under the Summary Offences Act 1966 for a person to be wearing a disguise or to have in their possession a disguise for an unlawful purpose. Despite the comments made in the second-reading debate by Mr Somyurek and just recently by Ms Patten with regard to this provision being a different provision, I would say that this provision is unnecessary because of that one. Also I would say that it should not be implied in any law that to disguise your identity is an unlawful act. An unlawful act would be assault, affray or violent

disorder, but when it comes to participating in a protest with a face covering on, it should not be the default position that that action is motivated by nefarious or unlawful intentions.

As I said — and this has been raised with us by the Law Institute of Victoria and Liberty Victoria as well — we believe very strongly in political expression and political protest. Some of that may involve the use of face coverings for political expression or as an amusing way of making a political point, but also people may be participating in a protest and wearing the normal face coverings that they wear for cultural or religious reasons. I do not see anything in this bill that prevents a police officer from removing a face covering for those reasons. I think the main point is that we are introducing law that is unnecessary, and therefore the amendment is to remove that provision.

The DEPUTY PRESIDENT — Ms Pennicuik, I ask you to move your amendments 2 and 3, as they are consequential.

Ms PENNICUIK — Thank you, Deputy President. Amendments 2 and 3 are consequential to amendment 1. I move:

2. Clause 6, page 6, line 7, omit “(2)” and insert “(1)”.
3. Clause 6, page 6, line 13, omit “(3)” and insert “(2)”.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Minister, I would like to take you to Ms Pennicuik’s argument that the use of a face covering for an illegal purpose is already covered in, I think, the Summary Offences Act. I would like to ask you therefore whether the purposes which are listed in clause 6, where a police officer may act if they reasonably believe that a person is using a face covering for those listed purposes of concealing identity, avoiding the effects of a crowd-controlling substance et cetera, are illegal purposes?

Ms TIERNEY (Minister for Training and Skills) — I thank the members for their contributions so far. Can I specifically deal with Ms Pennicuik’s amendments first in response and then as part of that deal with the issue raised by Mr Rich-Phillips.

Essentially in relation to Ms Pennicuik’s amendment, we do not support the amendment. This amendment would remove the provisions of the bill relating to police powers to give directions as to the removal of a face covering in designated areas — I think that is important, it is designated areas. Violent behaviour committed by masked individuals can induce additional fear in members of the public and create significant

issues for police in identifying offenders and controlling crowds in situations such as the Moomba riot and indeed what we saw at the protest in Coburg in 2016.

The existing offence of being disguised with unlawful intent, in the Summary Offences Act 1966, does not provide police with the necessary and appropriate powers to deal with masked protesters within a designated area, Mr Rich-Phillips, in terms of partially addressing your question. The offence requires police to establish that the person is not only wearing a disguise but has the intention of committing an unlawful act. In a fast-moving protest or other disturbance of public order this intention can be difficult for police to ascertain, and I think we would all recognise that.

In a large public gathering the power in the bill to direct a person to remove the face covering has a simpler test. If the officer reasonably believes the person is wearing a face covering for the primary purpose of concealing their identity or shielding themselves from capsicum spray, the officer can ask the person to remove their face covering or leave the area. If the person chooses to keep wearing the face covering and leaves the area as directed, they will not have committed an offence; hence a person can choose to continue wearing their face covering if they leave the designated area immediately. Alternatively, the person can remove their face covering and remain in the designated area. Only a person who refuses to comply with either option after having them properly explained by the police officer can be charged with the offence, which is punishable by 5 penalty units.

These powers will only be available in an area designated by the Chief Commissioner of Police under the Control of Weapons Act 1990 and for a maximum of 12 hours. Obviously the police will receive guidelines and training on the appropriate use of this power.

Mr RICH-PHILLIPS — Thank you, Minister. Can you clarify, Minister, whether the provisions in proposed section 10KA(1)(a)(i) — that is, to conceal the person’s identity, which is the first element, and to protect the person from the effects of crowd-controlling substances, being the second element — are unlawful acts for the purposes of the summary offences provision?

Ms TIERNEY — The provisions in proposed section 10KA are not in themselves illegal — that is, they would not amount to unlawful acts by themselves. The offence in the bill is only committed where the person refuses to either remove the face covering or

leave the area. The Summary Offences Act offence is directed at people who are disguised with the intent of committing further offences such as theft or robbery et cetera.

Mr RICH-PHILLIPS — Thank you, Minister, that is a helpful clarification. In respect of the application of this provision requiring the police officer to form an opinion, a reasonable belief, that the purpose of the face covering is one of those two elements as listed, how will the police officer determine that the face covering is for the purpose of concealing identity or for avoiding capsicum spray? What guidance is being provided?

Ms TIERNEY — Obviously that is covered off in relation to the last comment that I made in response to Ms Pennicuik's amendment, and that is that police will receive guidelines and training on the appropriate use of the power. The advisers have advised me that those guidelines are being developed.

Mr RICH-PHILLIPS — Thank you, Minister. Are you able to give the chamber any understanding of the directions those guidelines are headed, as to how this will be applied? For example, is a face covering for this purpose a medical mask, a breathing mask? Someone on a day of high pollution may choose to wear one of those medical masks. How will that be considered in the context of this provision?

Ms TIERNEY — As I said, it is in relation to those that police believe are about to commit an offence. If there is a reasonable assessment to that, then they will be spoken to. If they refuse to leave or refuse the direction, then that is when issues become clear.

Ms PENNICUIK — Thank you, Minister, for your answer. You started out your answer by saying violent behaviour needs to be addressed in designated areas. Of course, violent behaviour is already illegal. The police can arrest anyone in a designated area who is engaging in violent behaviour, whether or not they have a face covering on. We do not need further legislation, such as what is being put here, to do that. The Summary Offences Act would cover that. You mentioned that the Summary Offences Act is designed to catch a person who is wearing a disguise or has a disguise in their possession who has the intent of committing theft. That is not actually what the provision says. It says 'unlawful intent', which would include a violent act. It does not specify theft. Of course it would include theft, and I can understand that, for example, cat burglars with a disguise breaking into people's houses would be covered by that provision, but so would somebody who is wearing a disguise or has a disguise in their possession and is involved in or is intending to be

involved in a violent activity. My point is they would also be covered by that provision.

The problem with this provision is that in your answer, Minister, you said that in a fast-moving protest the police would need to be able to establish whether the people were wearing their face covering for the purposes of concealing their identity or to not be overcome by capsicum spray. It is implying that they are unlawful activities — that you should not be allowed to conceal your identity. *Ipsa facto*, I said in my contribution that if you are wearing a face covering, you are concealing your identity, but that might not be the motivation.

Minister, it would seem to me that in a fast-moving protest what the police should be concentrating on are the people who are involved in unlawful activities, such as violent behaviour, not whether or not they are wearing face coverings. That is what the police, I think in a practical sense, should be doing. If there was a peaceful protest with no unlawful activity happening — nobody causing a disruption, no affray or violent disorder, as the new offences introduced by this act define them, but everybody standing around being peaceful — why would there be any need for the police to ask people to remove face coverings for those reasons outlined in the bill? That is the problem that this particular provision raises.

Ms TIERNEY — It is not just the matter of wearing a disguise or hiding one's identity. It is also about the intention of committing an unlawful act. The fact of the matter is, particularly after the riots that we saw in relation to Moomba and in Coburg, the real question in a lot of people's minds from the community was: how did it get to this point, how was this allowed to happen? This is essentially one of the prime principles behind this bill, in that there needs to be clarity for police in particular for them to be able to know when they can intervene. They thought that when it came to a large group and it seemed that things could get out of hand, there were grey areas.

Ms PENNICUIK — With respect, Minister, the provision does not mention anything about violent behaviour. It just mentions concealing the person's identity or protecting the person from the effects of a crowd-controlling substance. The crux of the issue I am talking about is that we already have an offence under the Summary Offences Act which is about disguises and unlawful behaviour. Unlawful behaviour, be it violent behaviour, is already illegal; the police can already arrest people who are engaging in violent behaviour.

With both of the examples that have been raised in terms of this debate, as concerning as they are, there is nothing in the law to stop people being arrested, whether or not they were wearing a face covering for being involved in violent behaviour. That is already illegal; police can already arrest people. What you are introducing with this bill is the ability for police to ask people to leave a protest just because they may be concealing their identity or they may not want to be overcome by capsicum spray. They may not be doing anything else that could possibly be construed as unlawful.

Ms TIERNEY — I have put the government's position on this matter. There is nothing further to add on this point.

Mr RICH-PHILLIPS — I place on the record that while I appreciate the arguments Ms Pennicuik is making and the ambiguity that exists around this provision, which certainly highlights the need for there to be clear guidance provided to Victoria Police as to how this provision will be used, on balance the coalition believes this is a reasonable power to be given to Victoria Police. I note the minister referred to difficulties which arose at the Moomba riots. The coalition would say that it is largely because of the government's repeal of the move-on laws that Victoria Police did not have the powers it needed on that occasion. We will not support Ms Pennicuik's amendment to remove this provision. We do think it is a reasonable provision to be given to Victoria Police but are conscious that appropriate guidance will be required.

Ms TIERNEY — Just for clarity, a point made by Ms Pennicuik was in terms of a peaceful protest. If it is an entirely peaceful protest and there is no anticipation of violence with weapons, then police simply cannot use their powers.

Committee divided on amendments:

Ayes, 5

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

Noes, 35

Atkinson, Mr	Morris, Mr
Bath, Ms	Mulino, Mr
Bourman, Mr	O'Donohue, Mr
Carling-Jenkins, Dr	Ondarchie, Mr
Crozier, Ms	O'Sullivan, Mr
Dalidakis, Mr	Patten, Ms
Dalla-Riva, Mr	Peulich, Mrs (<i>Teller</i>)
Davis, Mr	Pulford, Ms
Eideh, Mr	Purcell, Mr

Elasmar, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Symes, Ms
Leane, Mr (<i>Teller</i>)	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

Amendments negatived.

Ms HARTLAND (Western Metropolitan) — I move:

- Clause 6, page 6, after line 6 insert—
 - “(2) To avoid doubt, a police officer must not give a direction to a person under subsection (1) if the police officer is satisfied that the person is wearing a face covering primarily—
 - for cultural or religious reasons; or
 - for medical reasons; or
 - for the purpose of political expression; or
 - for entertainment purposes; or
 - because the person is engaged in trade or employment where a face covering is required to ensure the physical safety of the person.”.
- Clause 6, page 6, line 7, omit “(2)” and insert “(3)”.
- Clause 6, page 6, line 13, omit “(3)” and insert “(4)”.

Clearly the reason for moving this is that we want to make absolutely clear what a police officer needs to do to be satisfied.

Ms PENNICUIK — In support of the amendment moved by Ms Hartland, where these laws exist overseas, they are qualified by similar provisions. For example, in Georgia in the USA a person cannot wear a mask or hood to conceal their identity in a public setting like a designated area unless it is part of a traditional holiday costume or the person needs it for lawful trade, employment, sport, a professional reason, a theatrical production like Mardi Gras, masquerade balls or a gas mask for emergency drills. In Washington, for example, there is a requirement not to wear a mask or a hood in a public meeting if the person wearing it has the intent to commit unlawful behaviour. The act then lists the type of behaviour that is unlawful, including to instil fear in others for their personal safety. The reason the Greens are moving this amendment is to make it clear that, for persons who are wearing a face covering for the reasons outlined in our amendment, it would not be legal or permissible for the police officer to ask them to do that.

Why I raise the issue of where these laws exist elsewhere is to note that they are qualified by similar provisions to what we are putting in and that the provision that I tried to remove by my first amendment is more robustly outlined, as in the Washington example that the person wearing it has the intention to commit unlawful behaviour, which is missing from the provision in this bill. The provision in this bill is too vague and broad and does not have any qualification whatsoever. Whether or not there is guidance given to the police, there is no protection for people in the act, and that is why the Greens are moving these provisions similar to ones that exist in other jurisdictions.

Mr RICH-PHILLIPS — The amendment proposed by Ms Hartland in the coalition's view is largely redundant given the structure of the principal clause, which provides that a police officer may direct a person to remove a face mask if they reasonably believe the primary purpose of wearing a face mask is to hide their identity or to avoid the impact of capsicum spray. The amendment that Ms Hartland is proposing states the police officer must not issue a direction if they believe the primary purpose of the face mask is one of the things that are listed in Ms Hartland's amendment. So the two provisions are effectively complementary, but the second one is redundant because if the police officer primarily believes that the purpose for issuing the order is because a person is hiding their identity or is seeking to avoid capsicum spray, they have already determined that the primary purpose is hiding their identity or avoiding capsicum spray. Therefore the qualifiers that Ms Hartland is seeking to engage in fact would not be engaged, so the coalition while recognising the intent of Ms Hartland in moving this amendment believes it is largely redundant because the primary purpose will have already been determined to be one of those which are set down in the act. So for that reason we will not support the addition of those ones in Ms Hartland's amendment.

Ms TIERNEY — Again the government does not support this amendment. The term 'face covering' is not explicitly defined to ensure that makeshift face coverings such as scarves and bandanas are captured if they are used as face coverings. The power to remove a face covering can be directed at any item covering the face so long as it is being used for the primary purpose of concealing the wearer's identity or for shielding the wearer from capsicum spray, as we covered off in dealing with Ms Pennicui's amendment.

People who wear face coverings for legitimate religious, cultural and other purposes will not be affected by these new powers. The powers in this bill only apply to face coverings worn for the primary

purpose of concealing the wearer's identity or shielding the wearer from capsicum spray. The government did make it clear in its second-reading speech for the bill that these powers will not apply to people wearing face coverings for another purpose, such as religious reasons or medical reasons. They are not affected. The government does not support spelling out specific exemptions in the avoidance of doubt provision that violent protesters could seek to rely on to avoid being directed to leave by the police. The bill will allow police to require removal of religious face coverings or direct a person to leave the area where they have clearly been worn for the purposes specified rather than any genuine religious or cultural reasons, and again Victoria Police will receive guidance and training on the appropriate use of these powers.

Ms PENNICUIK — Thank you, Minister, for your answer, although your answer does not fill me with any more reassurance. In fact it confirms the reason for needing these qualifications. As I pointed out in my earlier remarks, wherever these types of provisions exist anywhere else in the world they are qualified such that the primary provision is stronger about why a police officer would ask for the removal of a face covering, and that is with unlawful intent, which this provision does not say, so it is very broad and open. The statement made in the second-reading speech that these provisions could not be used against someone who was wearing a face covering for a medical, cultural or religious reason is all well and good, but that is not what the provision says.

Picking up on Mr Rich-Phillips's point, it is also not unusual for a provision such as this to be qualified by another provision. In many instances it will say 'To avoid doubt this does not apply'. It is very common around the statute book, which I know my way around fairly well now, so it is not an uncommon provision to make it very clear and to assist I think in the type of guidance that would be provided to the police on the use of these powers. So I do not take Mr Rich-Phillips's point at all, because it is not an unusual type of qualification to put in and it does strengthen this I think. If you are going to have this provision, it needs to be clearer as to how it can be used, and it is not at the moment.

Committee divided on amendments:

Ayes, 6

Barber, Mr (*Teller*)
Dunn, Ms
Hartland, Ms

Pennicui, Ms
Purcell, Mr (*Teller*)
Springle, Ms

Noes, 34

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

Amendments negatived.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Ms Wooldridge — On a point of order, President, I am actually seeking some clarification from you in relation to an ongoing problem we have had in relation to question time. On Tuesday in question time Mrs Peulich asked a question of the Minister for Training and Skills on the *Victorian Training Market Report*, and the minister detailed twice that the data would be made available in October 2017. The fact is that the minister detailed in her written response yesterday that the data was actually provided to the government on 12 July 2017. This is a continuing pattern that we are seeing in relation to this minister, where information provided in question time is subsequently corrected through either a written response to you or a written response that is provided in the 24 hours subsequent to the question being asked.

I am wondering if you could please provide some clarification, because the process of the house has always been that on a minister becoming aware of an error it should be corrected through a personal explanation at the earliest opportunity, not by using other mechanisms of the house to clarify those issues, often 24 hours later.

The PRESIDENT — Order! I do have a concern if an answer that is provided is corrected in a way where it comes back with a written response that alters that information in the sense that Hansard has already recorded a particular response and a statement of fact and that is then changed by way of a written response without a recognition that that is an actual change in the response as distinct from simply correcting the record and without ensuring that it is fully understood by all

members that there has been a change in the material presented — whether it is a date, a person, a report or whatever it might be — or the nature of the original answer. I think it is better for a minister obviously where they are not aware of some information to not necessarily lead with that but to rely more on providing a written response to the house that is accurate and thorough, because it is possible we could have some concerns at a future time if there is a discrepancy between what has been said in the house and what has been provided subsequently in a written response.

As members would know, usually if a minister or indeed a member of the house has led with some information that they subsequently find not to be accurate — perhaps it is something they understood at the time they made their original contribution but then they found it not to be accurate, so there was something amiss in what they presented to the house — then there is an opportunity for a personal explanation. Overall that is probably a better way of ensuring that the record properly reflects that there has been a change in the information and that everybody is aware of the change. From my point of view that would perhaps ensure that going forward we do not have, for instance, a media release sent out by somebody that tries to capture the original answer and suggest then that there has been a misleading of the house or whatever. It is obviously a lot tidier if in fact the house is able to understand any change that might occur.

Victims of youth crime

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Minister, the front page of the *Herald Sun* today details extreme circumstances of the watering down of the rights of victims of youth crime. According to your latest advice, does the Children's Court letter from Judge Chambers go beyond the current law?

Ms MIKAKOS (Minister for Families and Children) — I can advise the member that the law remains unchanged from what it was when Mary Wooldridge was the minister for four years. In fact this legislative provision remains unchanged, as I understand it, going back to before even the current act was enshrined. It has remained in its current form going back to 1989.

I do make the point to the member and to those opposite that our government has put in place comprehensive reforms to support victims of crime, including \$2.85 million for support services for victims, witnesses and vulnerable children in the budget this year; additional support for the victims of crime

commissioner over four years; additional support for victims of crime through additional information on the relevant website; additional support to the Office of Public Prosecutions — \$18.9 million — to ensure that they can provide additional support to victims and witnesses as well; and more support for the Alannah and Madeline Foundation for its successful Cubby House program, which provides support for children attending the Children's Court.

There are so many ways that we as a government are supporting victims of crime, and that of course also goes to the record expansion of Victoria Police so that we can in fact tackle issues of crime in this state. But at a time when we actually have a comprehensive bill in the Parliament, as we speak, to tackle issues of youth crime, we have seen a motion from Ms Crozier, cosying up to the Greens party, to kill a bill that will tackle youth crime in this state.

Honourable members interjecting.

Ms MIKAKOS — What's the matter? Can't you handle the truth?

Honourable members interjecting.

The PRESIDENT — Order! None of that casts the Parliament or this house in a favourable light.

Ms Crozier — On a point of order, President, my question was in relation to the advice the minister received about the letter, and I would ask you to draw her back to the question that I asked and for her to answer the question rather than debate it.

Ms MIKAKOS — On the point of order, President, I have directly responded to the member's question in explaining to her that the provision in the act remains unchanged going back to 1989 and is in the same form as it was during the entire four years of the previous government. This is a matter for the Children's Court. The advice that the president of the Children's Court gives to media outlets is a matter for the Children's Court.

The PRESIDENT — Thank you, Minister, but again you are debating rather than actually responding to the point of order as such. Your point of order was accurate to the point that you said in the first 5 seconds that you responded to it, but then you went on to debate it.

Ms Shing — On a further point of order, President, in the course of the minister's answer there were a series of interjections, which the minister is also entitled to take up, given that in the first instance they are

unparliamentary. It is a bet each way: they are either going to listen to the answer and then call a point of order on relevance and ask that the minister be directed back to answering the question or they are going to interject and allow the minister to then go off on a path that she has been invited to pursue.

The PRESIDENT — Can I indicate that, yes, there were interjections from the other side, but I certainly heard — but tried not to hear — Mr Leane.

Ms MIKAKOS — I have explained to the house that the provision remains unchanged. If the president of the Children's Court seeks to provide advice to media outlets, then that is a matter for them, but as I understand it they are only reminding media outlets of what the current longstanding legal position is, and that is in relation to not identifying children going before the Children's Court. Complying with the law does not prevent the media from reporting on the nature and extent of offending or the impact of offending by children, but it does prohibit the identification of parties in Children's Court proceedings. I would have thought that Ms Wooldridge would have understood that, given that that was in fact the position when she was the minister for four whole years.

We actually have a bill in the Parliament that is seeking to impose longer sentences on young offenders; it is seeking to have more matters, including aggravated home invasions and aggravated carjackings, go to the adult courts; and it is seeking to have organised criminals who are recruiting young offenders penalised. At the same time as all these allegations are surrounding the Liberal Party about its links to the Mafia, they are seeking to kill —

The PRESIDENT — Order! Minister!

An honourable member — How many times do you have to be told?

The PRESIDENT — That would be my thinking. Please!

Supplementary question

Ms CROZIER (Southern Metropolitan) — As stated in the editorial in today's *Herald Sun*, given the Malmsbury and Parkville riots and the alarming spate of violent gang attacks with home invasions and carjackings, Victorians more than ever have a right to know what is happening in youth crime. Will the Andrews government change the legislation beyond doubt to allow victims of youth crime to tell their story?

Ms MIKAKOS (Minister for Families and Children) — President, in the week that we have seen the Liberal Party have no credibility on these issues whatsoever when it comes to crime, they are in the lobster trough with the Mafia —

The PRESIDENT — Order! Minister, you are sat down, and really you are on a very short leash now. I have just indicated that that matter should not be referred to, as I did earlier in the week, in the interests of the house. It cuts both ways. I am really fair on these matters, as you will reflect over the journey. I have stopped the opposition from pursuing certain union matters and associations, and I will continue to do so because I do not believe that it is in the interests of the house. As I have said, if you have matters to bring forward on these sorts of issues, do it by substantive motion. Do not do it in the context of answering questions and leading that information and particularly defying me when I ask for some sort of proper approach to these matters. The question that you were asked was a reasonably fair one, and I thought that you would actually be able to answer that. In many ways in your substantive question you had answered it, I thought. That was enough.

Ms Mikakos — On a point of order, President, just in relation to the question itself, the standing orders say that members cannot use questions without notice to call for legislative change. Effectively that is what the member has done by virtue of her supplementary question, which is actually outside the scope of what is permissible for questions without notice. I make that point in drawing attention to the need for you to actually rule the supplementary question out.

The PRESIDENT — Order! The minister is actually correct in that judgement in terms of question time. The problem that I had and the reason I did not rule the question out was that the minister relied in her substantive answer a great deal on the fact that there had been legislation before the house and there were references to legislation that would have addressed these matters. From that point of view the question that was asked as a supplementary was apposite to the answer that was given in respect of legislation that may or may not come before the house. I drew on the substance of the minister's answer in determining not to rule that out. However, as a general rule the minister is absolutely right: question time cannot ask for legislation as such.

Ms Mikakos interjected.

The PRESIDENT — Order! My problem is that I have sat you down, so I do not want to hear any more.

Heyfield timber mill

Ms BATH (Eastern Victoria) — My question is to the Minister for Agriculture. Minister, under the terms of the new Heyfield mill ownership arrangement what is the government's ownership percentage and who are the ownership partners?

Ms PULFORD (Minister for Agriculture) — I thank Ms Bath for her question and her ongoing interest in the Heyfield mill. As members would be well aware, since we were last discussing this matter in Parliament in question time the government announced that it had reached an in-principle agreement with the owners of the Heyfield mill to purchase the mill. This is an unusual step, we recognise, but these are unusual circumstances. Our primary objective here is to secure the best possible outcome that we can for the employees at Heyfield.

In response to Ms Bath's question, I would indicate that the final details of the sale are still a matter of ongoing work, so Ms Bath's question really assumes that the sale has been finalised. We are very close, but those matters are yet to be finalised, and so Ms Bath's question on this occasion is a little premature.

I can certainly assure Ms Bath, the community of Heyfield and all members of the community who are interested in this that our objective is to support jobs in regional Victoria. We have had great jobs growth in the time that we have been in government. Some recent statistics — just last week, I think — indicate that now close to 60 000 new jobs have been created in regional Victoria in the time since we came to office, so we are doing everything within our power to create an environment that is conducive to investment and job creation. As for Heyfield, we remain determined to get the best outcome that we can.

Supplementary question

Ms BATH (Eastern Victoria) — I thank the minister for her response. I have a supplementary question. Minister, the Heyfield mill has previously supported 260 jobs, and while up to 50 will be lost after the sale is settled, I ask: how many long-term jobs can you guarantee under the new ownership arrangement?

Ms PULFORD (Minister for Agriculture) — I thank Ms Bath for her further question on the Heyfield mill. The owners of the mill have made an undertaking to the government that while these arrangements are finalised there will be no job losses. We continue to finalise these arrangements. We have taken this significant step of reaching, as I indicated earlier, an

in-principle agreement that we hope to have absolutely finalised very soon, and certainly our focus here is on providing the best possible outcome that we can for everyone who works at Heyfield in terms of employment security. The people who work at Heyfield have, I think, on perhaps now four or five occasions been told by the current owners of the mill that the mill is closing. We have secured a vastly better outcome than that.

Parole reform

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. Minister, following the shocking murder of an innocent young father by a parolee in Brighton in June this year, you commissioned a review by your department. What action did the government take following the tragic murder of Karen Chetcuti at the hands of a parolee in January 2016?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. Can I say that the tragic circumstances around that case have reverberations right through the Victorian community and of course absolutely for the family of the woman concerned. It is always absolutely dreadful to lose a loved one, but in such tragic circumstances I cannot begin to understand the grief that that family has endured.

Having said that, can I say that there have been a number of reforms in terms of the parole system, and they have also meant that there are now 800 less people on parole than there were four years ago. This government has put in record amounts of money and resources to significantly boost the police force in this state. We have expanded programs to meet the demand of managing offenders who obtain parole. We have strengthened the decision-making process on whether to grant parole and when parole should be cancelled and the parolee returned to prison. We have also provided additional oversight of serious violent and sex offenders, particularly in terms of our case management.

The case that you are referring to is still a matter that is before the courts, and I am not at this point able to make further comment.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I thank the minister for her answer, and I note that the only matter before the court is the sentencing. None of my questions will address that issue. The accused has now pleaded guilty, so I will not be canvassing any issues

that affect that court proceeding that remains — the sentencing aspect. So the questions I will put will be in that context, and I would seek the minister to actually answer the questions, given that caveat I have just provided. I ask by way of supplementary: Minister, family and friends of Ms Chetcuti tell me that the government has failed to implement any significant change since Karen's gruesome murder and that they are concerned that the failures that led to her murder may not stop this from happening again. Why have the failings in the parole system identified as a result of Ms Chetcuti's murder not been fixed?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. Can I say that I really do not think that Mr O'Donohue is motivated well in this question. I really am quite affronted by this situation.

Ms Wooldridge — What about the family?

Ms TIERNEY — The family has not contacted me. Can I say that the family has not contacted me or made any representations to me on the basis outlined by Mr O'Donohue. I just simply believe that Mr O'Donohue's motivations are not proper in this circumstance, but having —

Mr O'DONOHUE (Eastern Victoria) — On the basis of advice I have received that the family of Ms Chetcuti have made representations to the minister, I move:

That the minister's answers be taken into consideration on the next day of meeting.

Motion agreed to.

Parole reform

Mr O'DONOHUE (Eastern Victoria) — Again my question is to the Minister for Corrections. Minister, one of the justifications for allowing convicted sex offender Michael Cardamone to be released on parole to such a remote location was that he would be living with his mother and would therefore be under her supervision. Can you confirm that when he murdered much-loved mother Karen Chetcuti his mother was away on holidays, leaving Cardamone alone at her residence?

Honourable members interjecting.

Ms TIERNEY (Minister for Corrections) — It was not apposite to the question.

Ms Crozier interjected.

Ms TIERNEY — No, he was not; he was not giving me the answer. He was actually trying to alert me to a fact that I already knew — that the family was in the gallery. So there. Are we right now?

In terms of the question that Mr O'Donohue raised, those matters in terms of those affecting the arrangements for a parolee are dealt with by the independent Adult Parole Board of Victoria, and again I will refrain from making any further comment given that the matter is before the court. Mr O'Donohue is quite correct that the person concerned has admitted guilt and it is a matter of sentencing, but as he would appreciate, the legal community does not appreciate any commentary leading up to sentencing as well.

Mr O'Donohue — On a point of order, President, on this issue, the Premier has answered two questions in the Legislative Assembly this week on this issue. Two questions on the murder of Ms Chetcuti have been put to the Premier this week in question time in the Legislative Assembly. He has not raised this issue. He has answered the questions. I may have issue with the answer, but he has answered them in a fulsome way. I put it to you, President, that there is no issue of sub judice, and I would ask that the minister provide an answer to the question.

The PRESIDENT — We have this quaint position that what happens in the other house I do not know about. But in any event I think the minister is able to discharge the question as she sees fit, and then I need to make a determination as to whether or not that answer was sufficient and adequate for the house.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — Minister, were the authorities such as Corrections Victoria, the adult parole board and Victoria Police aware that Cardamone's mother was away, leaving him with little or no supervision?

The PRESIDENT — Sorry, Mr O'Donohue. I was just taking some advice. Can you just repeat that for me?

Mr O'DONOHUE — Yes, President. My supplementary is: Minister, were the authorities such as Corrections Victoria, the adult parole board or Victoria Police aware that Cardamone's mother was away on holidays, leaving him with little or no supervision?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. Again, this matter is before the courts, and I am not in a position to provide commentary.

Parole reform

Mr O'DONOHUE (Eastern Victoria) — My question is again to the Minister for Corrections. Minister, in the Legislative Assembly today during question time the Premier said there had been significant legislative change to parole laws since the tragic murder of Karen Chetcuti in January 2016. Can you outline to the house the legislative changes to parole laws made by your government since 2016 and what application those changes would have had to this case?

Ms TIERNEY (Minister for Corrections) — I will not go to the second part of the question because that again errs towards matters before the courts, but in relation to changes that have occurred in parole, I have answered that in relation to my answer to your original substantive question. We have increased a huge number of police members to the police force. We have —

Mr O'Donohue — On a point of order, President, I would ask you to bring the minister back to the question. The recruitment of police is not a matter for her and it is not legislative change. In the matter she referred to in her previous substantive answer, she did not refer to a single piece of legislative change, so I would ask you to bring her back to the question.

The PRESIDENT — The minister is obviously only just into her response and she still has 3½ minutes in fact to respond and to go to the matter of parole changes by way of legislation. From that point of view, I am happy for the minister at the moment to continue. But I do, as you have indicated, remind the minister perhaps, although I am sure she is well aware, that in fact the question was more about legislative changes that might have affected parole conditions.

Mr Dalidakis — On a further point of order, President, the second part of the question which Minister Tierney did talk to is an issue of sub judice, and I do ask you to rule on this. We do have the very real example recently of three ministers of the federal Parliament that were called up before the judiciary in relation to a sentencing aspect at trial. It was in the Court of Appeal, but it still dealt with sentencing, President, and I ask that you deal with all these lines of questions as a point of order right now.

Mr Barber — On the point of order, President, the sub judice convention is a restriction that we choose to put on ourselves out of deference to the judiciary as part of the separation of powers. It is not a hard and fast law, and I think you would agree that custom and practice in this house and in other houses has been that a minister

has never been able to avoid questioning on a topic simply by the fact that something to do with the matter is before a court somewhere.

The PRESIDENT — Mr Dalidakis's point of order is well worth canvassing in the context of the matters before the house at the moment. I take up Mr Barber's position. I would concur with his remarks that it is a constraint that we put on ourselves to ensure that a fair trial, a fair assessment by the courts, of any matter is not impeded by the actions or commentary of this house. In the particular matter that has been subject to the questions today I am of the view that given that we are dealing with sentencing at a point where there has been an admission of guilt and it is now in the hands of a judge alone to make the determination, because that is the sentencing process, in fact that judge is most unlikely in any way to be persuaded or to be in any way influenced as a result of the sorts of answers to questions that are being sought by Mr O'Donohue. It might well be a different matter and it might well be more appropriate for us to invoke the sub judice convention if indeed a jury were still involved in these matters.

In respect of the matters that Mr Dalidakis raised regarding the three federal politicians, it is true that that occurred at a stage of deliberation by the court that involved some sentencing matters, but indeed their commentary was of a different nature. They certainly said it outside of Parliament, so they were not extended parliamentary privilege. They said it in a context of criticism and reflection on the court, whereas this line of questioning does not reflect on the court and does not reflect on the judge who is undertaking deliberations on what might be an appropriate sentence in this particular case, and therefore I think that the line of questioning does not actually offend our sub judice convention.

Ms Mikakos — On a different point of order, President, the question that Mr O'Donohue has posed potentially goes to matters that are in anticipation of a bill debate that we are currently having at the moment. In fact there is a bill, the Corrections Legislation Miscellaneous Amendment Bill 2017, that is currently in committee stage as we speak that does go to issues around parole changes. I draw that matter to your attention because we are having a recurring practice now of members of the opposition coming in here and asking questions that directly relate to bills before the house.

The PRESIDENT — Thank you, Minister, for that point of order. I would again concur with you that if we were dealing with a matter of anticipation in terms of legislation to come before the house that was going to

touch on the same matters then I would share your concern. In this case the question that has been asked actually does not go forward in terms of what might happen in the future; it in fact canvasses what may have happened to this point since January 2016. So it actually canvasses whether or not there have been changes in the time to date rather than what might be forthcoming. Whether the minister actually would be referring to that legislation would be the minister's decision, but at this stage I see this as a retrospective question.

Ms TIERNEY — I thank the member for his question. There have been a number of changes in parole, not just in the short period of time but beyond that. We have had the legislation around parole in terms of those that kill police. We have also had legislation that dealt with the issue of no body, no parole. We also have had a situation, can I say, that in terms of the tragic death of Jill Meagher, the year after that tragedy the number of ex-prisoners who committed serious violent or sexual offences while on parole was 60; this year it is five. There has been a 90 per cent reduction in the number of serious violent offences committed by parolees whilst on parole over the last four years, and that is because of the work we have put in in expanding programs in relation to parolees, but also, as I said, the strengthening of the decision-making on whether to grant parole and when a parole should be cancelled and a parolee returned to prison. And also of course we have provided for additional oversight for those who are serious violent and sex offenders.

Mr O'Donohue — On a point of order, President, I am not sure if the minister has finished her answer, and I appreciate the context she provided about some of the other reforms that she says the government has been implementing, but the only legislative change I heard was the no body, no parole change, which only deals with the parole conditions for prisoners in jail at the moment. I am not sure whether the minister has completed her answer, but I would appreciate any further information she can provide about legislative change relating to parole since January 2016.

The PRESIDENT — The minister has completed her answer. I cannot direct her how to answer, and she did, as you indicated, actually provide at least one example, so she has met that criteria.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — Minister, is it not a fact that despite tragedies such as the murder of Karen Chetcuti, Masa Vukotic and the young father in the Brighton siege, you continue to drag your feet on

implementing the legislative changes needed to strengthen the parole system and the management of serious violent and sex offenders as recommended by the Harper review and a range of other reviews that have been conducted?

Ms TIERNEY (Minister for Corrections) — No.

Melbourne Regional Landfill

Ms HARTLAND (Western Metropolitan) — My question is for Minister Jennings, representing the Minister for Energy, Environment and Climate Change. Environment Protection Authority Victoria (EPA) has issued works approval for a huge landfill at Ravenhall operated by Cleanaway. The residents group there, Stop the Tip, are shocked that the EPA has so little regard for their wellbeing and that they are not prepared to look at new ways of dealing with rot waste rather than just dumping it in a landfill. It needs to be noted that Brimbank and Melton councils are taking the EPA to VCAT regarding this matter. My question is: will the minister review the EPA decision to disregard the concerns of residents to allow this odorous massive landfill to go ahead?

Mr JENNINGS (Special Minister of State) — I thank Ms Hartland for her question and her concern about the appropriateness of landfill in dealing with the waste stream and the views of the local community in relation to their quality of life and amenity in proximity to landfills. These are very significant and serious matters that she raises at the heart of her question. Indeed the EPA's regulation in terms of providing for approvals and the controls that are in place in relation to landfills is a very important obligation that the EPA undertakes on our community's behalf.

Without necessarily confirming her construction and the way in which she has outlined the specific instances within her question, I can confirm that the government takes these issues very seriously, as it should. We do try to act in a way which is consistent with the community's expectations and proper environment regulation and environmental protection. I will refer Ms Hartland's specific question to the minister. I will not make an assumption on the minister's behalf in relation to her willingness to review the decision that has been put to me, but I will certainly convey to the minister the depth of this issue. I am certain she will be mindful of that in acquitting her responsibilities.

Australian Paper

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture and Minister for Regional Development. During the public hearing on 17 July of the inquiry into VicForests, the Secretary of the Department of Economic Development, Jobs, Transport and Resources, Mr Richard Bolt, stated that the state government makes payments each year to Australian Paper. Mr Bolt also said that some of these payments are due to a requirement that Australian Paper be supplied with timber from the designated forest area in the Forests (Wood Pulp Agreement) Act 1996. This is an area which has been both overlogged and burnt out by bushfire. Could you please advise the house what payments have been made to Australian Paper by the state government since 2009 and for what purpose those payments were made?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question. Australian Paper is one of the largest employers in regional Victoria, and certainly its significance to Gippsland cannot be overstated. Close to 1000 people work at Australian Paper, and we are certainly very keen to work with the company to ensure that it has a strong future.

The arrangements for wood supply to Australian Paper have a long history and come in two parts: essentially a legislated agreement that provides the majority of the pulpwood that Australian Paper needs and a timber supply agreement that sits alongside that that provides for the balance of their needs — matters I imagine Ms Dunn is familiar with.

The obligations that exist as part of those agreements are to ensure a certain level of supply so that the mill can be confident about its future operations and its ongoing level of activity, as I am sure all businesses in all industries are keen to ensure. We can reflect on Ms Bath's earlier question regarding some of the issues that we have run into in terms of diminishing supply availability to Heyfield and the very significant risk that that posed to the community of Heyfield.

In relation to Ms Dunn's question and the specific information that she seeks about payments that are made as part of those arrangements, I will take that on notice and I will provide to Ms Dunn whatever information I am able to provide. But again I would indicate that it is entirely possible that some of these are commercial-in-confidence matters. If they are, I will not be able to provide information or there might be limits to what I can provide. If they are not, I will provide what I am able to provide.

Supplementary question

Ms DUNN (Eastern Metropolitan) — Thank you, Minister. If the minister sees fit to pay Australian Paper because it needs to haul native forest timbers from beyond the designated forest area, can the minister explain why such funds cannot be used to haul woodchips from sustainable plantations to the Maryvale mill and thereby displace sourcing from our precious native forests?

Ms PULFORD (Minister for Agriculture) — Ms Dunn posed the question as though this is a matter of personal preference for me. These arrangements are longstanding, contractual and/or legislative arrangements, so what I reckon is probably not particularly relevant to these matters. Ms Dunn speculates about some other random timber from some other random source. The requirements are spelled out in the timber supply agreement and the legislative agreement, and they go to questions about the type of supply that is required to be provided to Australian Paper and the proximity to the mill of the area that the timber needs to be sourced from. So I suppose in response to Ms Dunn's question what I reckon is actually not particularly relevant to any of this. But I suspect that my answer to her substantive question will perhaps provide her with some further information.

Lake Boort

Mr YOUNG (Northern Victoria) — My question today is for the Leader of the Government, representing the Minister for Energy, Environment and Climate Change. Recently a draft management plan has been released in regard to Lake Boort, known to many as Big Boort. In the plan it appears that the proposal is to put overlays on different parts of the lake in order to restrict activities that take place there. Currently Lake Boort is a state game reserve, which means there are already rules around activity there, but it seems that some of these overlays will restrict activities such as fishing, boating, camping, having a campfire, hunting and bike riding on large parts of the reserve, all of which are legal in a state game reserve. Minister, does the government intend to further restrict people using these public lands for recreational activity?

Mr JENNINGS (Special Minister of State) — I thank Mr Young for his question. Sometimes I have the relevant information available to me that enables me to provide what seem to be spontaneous answers to questions, and sometimes I am lacking the relevant detail of where a process is at and what the changes may be to the regulatory environment, such as in relation to the management of Lake Boort. Mr Young

has discovered that in fact I have not got the stumps fully covered. I do not know that my off stump will necessarily be exposed. I do not think the minister for the environment's off stump will be exposed. I am sure she will be able to acquit the answer that you are looking for and will be able to provide you and others with some comfort in relation to the mixed-use activities at Lake Boort, but I am not able to cover those stumps comprehensively in this innings.

Supplementary question

Mr YOUNG (Northern Victoria) — I thank the minister for his answer. I will try to provide some more information so as to steer you in the right direction. Minister, in the plan there is a handy map that defines where the designated areas would be. Lake Boort is quite round, and in the map it has been split in half, with a ban on all those activities I mentioned in the south part of the lake. What is unfortunate is that this is the area that is best for some of those activities. What I would like to know, Minister, is: unless you have some Moses-like ability to part water, how will the government define this imaginary line or enforce it?

Mr JENNINGS (Special Minister of State) — The one thing that I am pleased about in relation to this — because my analogy was pretty ordinary; Mr Young's was actually a far higher calibre analogy and image than mine — is we can all be grateful that there is water in Lake Boort, because in fact for some period of time there was not water in Lake Boort. That line could have easily been delineated during the extensive drought our community had to endure for many years. But on this occasion I am pleased to say that there is now water and that you are pleased that there is water.

In terms of managing this regime, hopefully this is a question that my colleague will be able to adequately account for in relation to what will be the appropriate management of Lake Boort into the future. Let us actually see how that response reads.

Motor vehicle registration fees

Mr PURCELL (Western Victoria) — My question is to Minister Jennings representing the Premier. Motor vehicle registration is a large and painful expense for Victorian households. It is usually in the order of \$600 to \$700, yet this is one of the few bills of this size that is not payable by instalments. The Premier, Mr Andrews, said in July 2015 that:

The common sense of this idea appealed to us a couple of years ago. We just have to work through some of those technical issues.

My question is: has the Premier worked through these technical issues so that struggling car owners can pay their registration by instalment?

Mr JENNINGS (Special Minister of State) — I thank Mr Purcell for his question. I can tell Mr Purcell from firsthand experience that the Premier is very wedded to the outcome that he is seeking. The Premier's determination to achieve this outcome for the reasons that Mr Purcell has outlined has not diminished. What has proven difficult is the intersection of a number of data sources and actions that flow from information systems that go back to the registration of a car and the way in which the police and VicRoads share information in an appropriate fashion to make sure that there are no adverse effects. Without necessarily going through what those adverse effects may be, it would be very undesirable, to give you an indication, if there was not a marrying up of what the police records say with the cycle of the instalments. If the police records do not actually account for that change in circumstances — the police record is a very blunt instrument that applies over one 12-month period to the next — a police car could pull up somebody on the road and if the record was incomplete because there was an instalment regime in place, that could lead to a very undesirable outcome.

These are the sorts of things that we need to mitigate to prevent a bad outcome from actually what is a very sensible reform, and the government is working through those reforms.

On a point of order, President, before I deal with the questions on notice, if it is all right with you I would actually like to go back to the guidance that you gave us. I did not want to be seen to be defensive during the course of the guidance that you provided to us, but I am mindful of what I think continues to be perhaps something in that guidance in relation to sub judge questions that we are not fully accounting for as a Parliament. I certainly had the view when Mr Barber was speaking that in fact one of Mr O'Donohue's previous questions, rather than the question that was actually being posed by Mr O'Donohue at the time, had invited my ministerial colleague to provide what would be evidence in advance of what are civil proceedings before the courts at this moment or could have been evidence that may have been considered by coronial investigations.

I just think that the house should be mindful that this may not be the appropriate place to lead evidence in relation to coronial considerations or what might be civil proceedings. I think all of us should be mindful of that. If you, President, can incorporate this principle in your thinking in relation to issuing guidance in the

future, I think we would have a more cogent response and ability to actually deal with situations such as that which we dealt with halfway through question time today.

Mr Rich-Phillips — On the point of order, President, I am not sure whether Mr Jennings is suggesting those particular matters are currently subject to coronial investigations or currently subject to civil matters, but it has been the practice of this house that we do not consider hypothetically whether something could go before the Coroners Court or could be subject to civil proceedings. Obviously any matter could be subject to civil proceedings. Previous presiding officers have made a distinction between matters which are subject to criminal proceedings and matters which are subject to civil proceedings and determined that the engagement with sub judge on civil proceedings has a much higher threshold before it is engaged than matters for criminal proceedings.

The PRESIDENT — I thank the Leader of the Government for his point of order. This is a matter in fact that I might seek to have the clerks draft up a ruling on. It will not be inconsistent with what I have already discussed, but it will provide clarity rather than me giving a ruling on the hop.

As it is with the matter raised, Ms Symes was able to convey to me at a point during question time that there are civil proceedings afoot in regard to the matter that was pursued in the questions. I do not think she mentioned to me the coronial inquiry, and certainly any examination by the Coroners Court is not a matter that would be considered to be a problem with sub judge, because it is not a court of record and therefore what happens in the Coroners Court is not something that is a constraint on us under our convention. Civil matters could be different and usually would be treated differently and could well be caught up in our sub judge convention. The key difference in terms of those matters is that sub judge applies in a criminal matter from the time of an arrest. Sub judge in a civil matter would apply from the time of the commencement of proceedings. That is a focus in terms of where we would apply that sub judge convention.

But as I said, what I will do is seek to provide a written ruling, which will have further consideration from me and obviously will be based on some input from the clerks. As I said, I do not believe that what I will bring back to the house will be inconsistent with what I have discussed, but I think the matter is important and is worthy of clarification, so I thank the Leader of the Government.

Mr O'Donohue — On a point of order, President, I refer to the minister's response that she has had no representations from the family of Ms Chetcuti. I have received contrary advice. Referring to your ruling before question time, I seek that the minister check her records, and if a clarification or a change in her answer is required that she provide an explanation later this day. I do note and appreciate that there has been a change in the role of Minister for Corrections since November 2016, so there may be some legitimate confusion, but I think it is important for this issue to be clarified.

Ms Tierney — Further to the point of order, President, I personally am not aware of any representations.

The PRESIDENT — Order! Apart from anything else, we have had a motion that the minister's answer be taken into account on the next day of meeting, so I think that will explore that matter at any rate. The minister may well double-check her records for her own clarification, but I am not going to make a ruling on that because I am not to know whether the minister's advice to the house was not absolutely accurate. In saying that, I do not infer by any means that the minister was trying to mislead the house. As she has indicated, to her knowledge at this point she has had no such representation.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — There are 19 written responses to questions on notice as follows: 11 135–44, 11 291–3, 11 349–51, 11 372, 11 381–2.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — In terms of today's questions, Ms Crozier's supplementary question to Ms Mikakos, one day.

Ms Mikakos interjected.

The PRESIDENT — No, you were not. You were just sat down because I did not like the tone that you took, which was in defiance of the ruling of the Chair.

Ms Bath's question to Ms Pulford, both the substantive and supplementary questions, one day;
Mr O'Donohue's first question to Ms Tierney, the substantive and supplementary questions, one day;

Mr O'Donohue's second question to Ms Tierney, the substantive and supplementary questions, one day;
Ms Hartland's question to Mr Jennings, the substantive question, two days because it involves a minister in another place; Ms Dunn's question to Ms Pulford, both the substantive and supplementary questions, one day; and Mr Young's question to Mr Jennings, substantive and supplementary, two days.

Sitting suspended 1.06 p.m. until 2.07 p.m.

CONSTITUENCY QUESTIONS

Eastern Metropolitan Region

Ms WOOLDRIDGE (Eastern Metropolitan) — My constituency question is for the Minister for Emergency Services. My question is: is it acceptable that the Eltham Country Fire Authority will have two fully functioning stations some 500 metres apart, one for approximately 30 volunteers and one for approximately 30 staff, as a result of the tensions that have arisen between these two groups? It is exceptionally unfortunate that as a result of the efforts of Daniel Andrews on the CFA, the Eltham CFA has now split into two elements. I quote from a recent letter, dated 1 August, from the Eltham fire brigade and from some of the volunteers. It says:

Recently the tensions between staff and volunteers have been increasing and what used to be a productive and harmonious environment is now substantially less so with some staff refusing to interact with volunteers at all either in a training capacity or even when simply on station despite the best efforts of volunteers.

They go on to say:

This has created an unsustainable working environment ...

This is exceptionally disappointing for Eltham and the community, and I ask the minister to respond.

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My question is for the Minister for Small Business, Innovation and Trade. I have a constituent who provides fresh produce at the Queen Victoria Market. She operates one of the 700 individual businesses at the Queen Vic market, which incidentally has the highest concentration of small businesses anywhere in the country. Many of these stallholders are concerned about effects that will flow from the City of Melbourne's master plan for the market redevelopment. The plan's strong emphasis on seven-day trading and extended trading hours, and the business pressures this creates, may well mean that my constituent cannot continue

trading. Many of her fellow operators will be affected in the same way. What is the Minister for Small Business, Innovation and Trade doing to ensure that the Queen Victoria Market redevelopment does not adversely affect this very significant grouping of Victorian small businesses?

Northern Metropolitan Region

Mr ELASMAR (Northern Metropolitan) — My constituency question is for the Minister for Families and Children. As a member of the Andrews Labor government, I am very proud of our government's commitment to ending family violence and implementing all the recommendations of the Royal Commission into Family Violence, which is something I note with disappointment that those opposite are yet to commit to. Early intervention is a key focus of many aspects of the recommendations, and I would like to ask the Minister for Families and Children, the Honourable Jenny Mikakos, to advise me of any services available in my electorate of Northern Metropolitan Region which can assist fathers who are experiencing drug and alcohol abuse and are at risk of committing family violence to help them build their parenting skills and understand the impact that family violence can have on young children.

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My constituency question is for the Minister for Public Transport, the Honourable Jacinta Allan. It relates to V/Line passenger services on the Gippsland line in my electorate. Some of the issues brought to my attention by frustrated constituents include poor punctuality to the timetable, cancellations of services due to faulty trains and overcrowding on replacement buses that results in passengers being late or missing appointments in Melbourne. The local V/Line staff do a good job under trying circumstances. However, the experiences of my constituents are consistent with the view of the Auditor-General in his report this week, and I quote:

During the current services agreement, V/Line has not been able to consistently meet punctuality targets for its train services.

It also says:

V/Line has failed to meet key service criteria for the operational performance of its passenger services ...

So I ask the minister: what immediate action are you going to take to rectify the poor punctuality and reliability of Gippsland V/Line rail services?

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My question is in relation to the Coolaroo fire, and it is for the Minister for Emergency Services. It is my understanding that the inspector-general for emergency management will undertake a review of the agency's response to the Coolaroo fire. I would like to know when that report will be completed, and will it be made public?

Western Victoria Region

Mr PURCELL (Western Victoria) — My constituency question is to the Minister for Energy, Environment and Climate Change. The old tip site in Port Fairy is located in a sand dune on Port Fairy's iconic East Beach and was closed over 20 years ago. This tip and beautiful beach are now under increased threat after high tides and significant weather events have reduced the dune protection to such an extent that the rubbish from the old tip site is now spewing onto the beach and into the ocean. My question is: will the minister work with the Moyne Shire Council to save this iconic beach by removing all of the rubbish from the old East Beach tip site?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question relates to the Minister for Planning and is about the precinct surrounding Chestnut Street in Carnegie. That area has a significant set of protections over the streetscape and the properties there. It is also an area in which the government has recently put an interim design and development overlay in place. The City of Glen Eira is currently consulting with the community but has proposed an area where up to 12 storeys will be built. This would be a very significant increase in height and would put massive pressure on traffic with congestion. There is obviously an area already impacted significantly by the sky rail, and the risk of this imposition and overshadowing is significant. What I ask is whether the minister in his planning scheme amendment will rule out a 12-storey tower or 12 storeys that overshadow heritage-protected areas.

Northern Victoria Region

Mr GEPP (Northern Victoria) — My constituency question is for the Minister for Emergency Services regarding the recent emergency services volunteers sustainability grants program. Hundreds of grant applications for equipment, communications, facility upgrades, and community engagement and training

have already been received from volunteer organisations across the state. Successful grant applications total \$2 million across my electorate of Northern Victoria Region. I was pleased to hear that the Malmsbury fire brigade received \$59 000 for a new support vehicle — a 2017 Toyota Hilux double cab with steel tray and a heavy duty trailer — and the Echuca fire brigade received \$63 558 for a compressor with a fill station, two storage cylinders and fill speed control. With over 50 grants just like these across northern Victoria alone, can the minister inform the house of the wide range of emergency services grants available this year to ensure that our volunteers can apply for upgrades and operational equipment to ensure safety and efficiency during an emergency?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Energy, Environment and Climate Change. It has come to my attention that Cleanaway has been letterboxing residents in Caroline Springs, Deer Park and the surrounds of the Ravenhall tip urging locals to report odours to that company instead of to the Environment Protection Authority Victoria. I ask the minister: what is the government's policy on this company attempting to subvert a system designed to protect my constituents from foul smells from Cleanaway's stinking tip?

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is to the Minister for Health. In June of this year it was revealed that the Andrews government had plans to cut the number of paediatric beds at Goulburn Valley Health children's ward from 12 beds to just eight as part of the planned redevelopment of Goulburn Valley Health. On 21 June the minister confirmed in the other place that at least 12 paediatric beds will be made available as part of the redevelopment. Whilst this is good news, the people of Shepparton are concerned that the funds for these additional four beds will be at the expense of beds in another area of the hospital. Can the minister categorically confirm that additional funding for four extra beds will be made available to Goulburn Valley Health to provide for the increase from eight to 12 paediatric beds and that the inclusion of these four beds will not reduce bed capacity in any other area of the hospital?

CRIMES LEGISLATION AMENDMENT (PUBLIC ORDER) BILL 2017

Committee

Resumed.

Clause 6 agreed to; clauses 7 to 13 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

COMMERCIAL PASSENGER VEHICLE INDUSTRY BILL 2017

Assembly's amendments

Message from Assembly agreeing to following Council's suggested amendments referred to committee:

1. Clause 12, line 29, omit "\$2" and insert "11".
2. Clause 12, page 10, line 1, omit "regulations" and insert "regulations, in accordance with section 20(2),".
3. Clause 12, page 10, line 8, omit "\$2" and insert "\$1".
4. Clause 20, line 6, after "(b)" insert "subject to subsection (2),".
5. Clause 20, after line 13 insert—

- “() The Minister must not recommend the making of regulations specifying an amount of \$1 or more as the amount of the levy unless the ESC recommends the specification of that amount in accordance with subsection (3).
- () The ESC must not recommend the specification of an amount unless the ESC is satisfied that it is the lowest amount that is reasonably likely to result in the total amount of the levy collected within 8 years of the commencement of this Part being equal to the money spent on transitional assistance.
- () For the purposes of subsection (3), the money spent on transitional assistance is the total amount paid by the State (whether as compensation or otherwise) to participants in the commercial passenger vehicle industry to assist those participants in relation to changes to the law that applies to that industry as compared with that law as in force immediately before the commencement of this Act.”.

Committed.

*Committee***Resumed from 23 June; further discussion of postponed clause 12.**

The DEPUTY PRESIDENT — The committee has to deal with clauses 12 and 20, to which amendments were suggested by the Council. The Assembly have notified by message that they have decided to make the amendments suggested by the Council. Mr O'Donohue has indicated he has new suggested amendments and further suggested amendments to clauses 12 and 20, and I ask Mr O'Donohue to circulate them now.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to circulate the amendments in my name. I ask the Deputy President to indulge me while I make a brief editorial about this while I do that. This bill has come back to this place after the Council suggested amendments to it in the last sitting week. Those suggested amendments were considered by the Legislative Assembly earlier this week, and hence the bill is back before us today.

I just want to put on record my disappointment that the Minister for Public Transport seems not to have a very good understanding of parliamentary procedure, because after the suggested amendments had been agreed to by this place and referred to the other place she issued a press release to the effect that the bill had been passed by the Legislative Council, which was actually incorrect and wrong. Some amendments were suggested to the bill and we are now back for further consideration of the bill. Clearly the bill has not been passed as Ms Allan suggested, and perhaps again she needs to review her understanding of parliamentary practice and procedure.

We had an extensive debate about the levy proposed by the government when this matter was considered in the committee stage, and indeed during the second-reading debate, prior to the winter recess. Ultimately the levy was reduced from \$2 to \$1. The opposition remains of the view that this is not consistent with the promise Daniel Andrews made when he stared down the barrel of the camera while speaking with Peter Mitchell and said there would be no new taxes under an Andrews government. He made that solemn promise to every Victorian, and the opposition believes he should be held to account for that promise. The opposition also notes that, given the large and unexpected revenue the government has had at its disposal as a result of the increase in property tax revenue in particular, the extra revenue derived from the sale of the lease of the port of Melbourne and other tax revenue that is flowing into

the Treasury, an extra tax in contravention of that clear promise the Premier made is unnecessary.

We are also concerned that this levy, reduced as it is, will have a disproportionate impact on those on fixed incomes. Someone on a pension who has a regular need for doctor appointments, for example, may need only a short taxi trip but on a regular basis. A \$5, \$6 or \$7 taxi fare with an extra \$1 impost will have a disproportionately greater impact on people in that circumstance than it will on higher income earners or those who use taxis less frequently. This of course comes at a time when energy prices are absolutely skyrocketing under the Andrews government, so cost-of-living pressures are very real for many people. The other point I would make is that in large parts of Victoria there is not a ridesharing competitor and therefore that marketplace is not operating.

For many reasons we believe that while a \$1 levy is better than a \$2 levy, the principle of no levy is the outcome that this Parliament should achieve. For that reason I will move the suggested amendment in my name to clause 12. It will have the effect of ensuring that the amount of the levy for a commercial passenger vehicle transaction is nil. The further suggested amendments will make consequential changes so that the levy is zero.

Ms PULFORD (Minister for Agriculture) — The government will be opposing the opposition's suggested amendment to clause 12. What the amendment does is remove the provision that provides financial assistance to the existing industry. The coalition say that they support regulating ride sharing and Uber and that they support ceasing existing taxi and hire car licences, but this amendment opposes financial assistance being provided. This bill, as we discussed in great detail some six weeks ago in earlier consideration of it, provides over half a billion dollars in funding for financial assistance to the existing industry. The Liberals' amendment removes this.

I made the point last time we were in committee on this bill that the Liberals and Nationals have consistently failed to say how much financial assistance they believe should be provided or indeed how it would be paid for. This amendment is frankly, in the context of this legislation, this debate, the reform that is needed and the compensation that is needed, absurd. The result of Ms Patten's earlier amendment is that the levy would start at \$1, but the Essential Services Commission would be able to recommend a levy increase if it was not raising revenue. This amendment is frankly ridiculous, and we are not supporting it.

The DEPUTY PRESIDENT — I ask Mr O’Donohue to formally move his suggested amendment 1, which is a test for his suggested amendments 2 and 3.

Mr O’DONOHUE — I move:

1. Clause 12, lines 26 to 32, and page 10, lines 1 to 27, omit all words and expressions on these lines and insert—

“The amount of the levy for a commercial passenger vehicle service transaction is nil.

Ms DUNN (Eastern Metropolitan) — Just in relation to this suggested amendment, I want to reiterate for the record that as part of my contribution to the second-reading debate I was very clear about supporting the suggested amendment put forward by Ms Patten in relation to setting a \$1 levy. We thought that was a reasonable compromise approach which certainly picked up the concerns that we were hearing from passengers of taxi services, particularly those low-income passengers and people who take a lot of short trips, where an impost of \$2 per trip would be significant to those particular travellers. We certainly have not changed our position since that time, and therefore we will not be supporting the suggested amendment put forward by Mr O’Donohue.

Committee divided on suggested amendment:

Ayes, 19

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

Noes, 21

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

Suggested amendment negatived.

The DEPUTY PRESIDENT — Order! I call on Mr O’Donohue to move his further suggested amendments 1 and 2, which are a test for his further suggested amendment 3.

Mr O’DONOHUE — Noting the decision of the house just now, I move:

1. Clause 12, line 29, omit “\$1” and insert “nil”.
2. Clause 12, page 10, line 8, omit “\$1” and insert “nil”.

I move these further suggested amendments in relation to clauses 12 and 20. They are in relation to the \$1 levy being changed to zero, again for the same reasons that I outlined in my previous contribution.

Ms PULFORD — The government is not in a position to support at this stage the suggested amendments that have been moved by Mr O’Donohue. That is in the first instance because we were not provided with the details of these suggested amendments. I saw them for the first time when Mr O’Donohue had them circulated what could not have been more than 15 minutes ago.

The consequence of it is that the revenue that this bill seeks to raise that underpins the compensation that we all very much want to be providing to people who have been impacted by this industry transition is potentially undermined, and so the government is pretty unimpressed by the silly games that are being played by the opposition. As far as I can tell, non-government members have been provided with this information. I have not and the relevant minister has not, so on that basis I move:

That progress be reported.

Mr O’Donohue — On a point of order, Deputy President, before we report progress I am of the understanding that the shadow Minister for Public Transport informed the Minister for Public Transport of the amendments, as is the customary practice, earlier today and that the minister responded to the shadow minister, Mr Hodgett, the member for Croydon in the other place, thanking him for informing her of the amendments, so I think we have a communication issue here.

The DEPUTY PRESIDENT — Order! There is no point of order, Mr O’Donohue.

Ms Pulford — On a point of order, Deputy President, the shadow minister sent the minister an email:

Minister

As a professional courtesy, I wish to advise you that Edward O'Donohue will be seeking to move amendments to the CPVI bill 2017 in the Council.

There are no details whatsoever of what the content of the amendments is. This is totally new content since the amendments were moved by the Liberal Party in the lower house earlier this week.

You really need to stop playing with people's lives like this. We are trying to progress this legislation so that this reform that is very much needed and the compensation that is very much needed to be provided to people who are impacted by this industry transition can proceed, and this is ridiculous messing around. So we will consider this, now that we know that it exists, but we will not be making a decision on the hop.

Mr O'Donohue — Further to the point of order, Deputy President, the Liberal and National parties have at their core in debating this issue — as they have for a long time in calling for legislation to provide regulatory certainty and provide appropriate compensation — been concerned for the wellbeing of licence-holders, of consumers and of the broader industry. I do not think those objectives that we are seeking to achieve and prosecute are helped by this approach from the minister. By the minister's own admission, Minister Allan was advised that we were proposing to move amendments earlier today. Her response was to say, 'Thanks very much', without requesting any further detail. The matter was —

The DEPUTY PRESIDENT — Mr O'Donohue, there is no point of order.

Progress reported.

CORRECTIONS LEGISLATION MISCELLANEOUS AMENDMENT BILL 2017

Committee

Resumed from earlier this day; further discussion of clause 1.

Mr O'DONOHUE (Eastern Victoria) — The committee reported progress earlier today after I basically re-put the questions that I put to the minister prior to the winter recess, when the committee also reported progress. I trust the minister can now provide

an answer since the committee reported progress a few hours ago.

Ms TIERNEY (Minister for Corrections) — In fact I think that Mr O'Donohue has just misled the house, because I did answer the question earlier today. The further question that he asked was another question about the micromanagement of the IT system in Corrections Victoria, which does not pertain to the essence of the bill before this house today. This house is dealing with drones. We have been on clause 1 now for many hours and indeed many hours in a previous session before the winter break. The opposition is insisting on asking a whole series of questions in clause 1 about issues that really do not pertain to this matter that is before the house today, so I would like an indication from the opposition as to whether they are going to continue in this vein so that we can prepare to be here for many, many hours today and into this evening.

The ACTING PRESIDENT (Mr Elasmár) — As the minister indicated, we are still on clause 1 and the minister has provided her answer. Do you have any other questions, Mr O'Donohue?

Mr O'DONOHUE — I do, Acting President. As I indicated to the minister's adviser and to the Leader of the Government, I have some very simple questions that I am seeking answers to. Some of those questions were put prior to the winter recess and again this morning. The questions are relevant to the purposes clause of the bill. I am prepared to be here for as short or as long a time as it takes to ascertain that information. I have no interest in prolonging the debate longer than is necessary. I have some reasonable questions, and I think perhaps the minister's tone and response is not helpful in achieving the mutually beneficial outcome of resolving these questions and moving back to the legislation, the consideration of which has just been adjourned.

Prior to the winter recess I was asking the minister about the implementation of Callinan recommendation number 1, the comprehensive case management system. As the minister said this morning, that has been the subject of questions in the house and of interest to myself and the opposition. The goalposts changed and the timetable by which the former Minister for Corrections, Wade Noonan, said it would be delivered — that is, by December 2015 — has now blown out significantly, more than a year and a half on Minister Noonan's time line, and phase 2 of that case management system has gone, from the minister's statement some months ago, from mid-2017 to now late 2017.

The question I posed to the minister prior to reporting progress was: why has that change taken place? The minister said there has been a change in the way the project is being delivered. My question to her was: can she explain that change in the way the project is being delivered? That remains my question.

The ACTING PRESIDENT (Mr Elasmr) — Minister, would you like to add anything?

Ms TIERNEY — Acting President, the thing that I would like to add is that the government is not attempting to not answer legitimate, proper questions. In fact we want a proper committee process, not one that is into micromanagement issues that really a number of bureaucrats can handle. We are here to actually deal with a piece of legislation and have a higher level discussion about the matters before this chamber. That is why my office, I and the Leader of the House have actually made approaches to Mr O'Donohue to seek what his intentions are in this committee stage. I think in some ways if we have got some understanding about how he is going to approach the committee work then we can easily deal with a range of issues. But at the moment we are finding it incredibly difficult to have to deal with issues that really the people that are working on this particular part of the IT system somewhere in a section of 121 Exhibition Street are the only ones that would be over this. Indeed we believe that we need to move on.

Can I say as a matter of faith I would put to Mr O'Donohue that I will provide him with further information on the specific new question that he asked today, but I would like also an indication from him whether he is going to continue to stay on clause 1 and ask a whole range of questions that really are not fit for this discussion. I will leave it at that.

Mr O'DONOHUE — I wish to prosecute this committee stage as expeditiously as possible. The number of questions I have will depend on the answers the minister provides. I do not have a long list of issues to prosecute. I have some legitimate questions to ask, which is what I advised the minister's adviser during the luncheon recess and which is what I advised the Leader of the Government when we were sitting next to each other during a division. So I refute those assertions made by the minister.

I think her reference to the IT system as something for bureaucrats to handle is both disrespectful to the public servants who are working on that important project and also an abrogation of ministerial responsibility. Governments do not have a very good record when it comes to the delivery of IT projects, and strong

ministerial oversight I think is something which we would all encourage. The minister's statement that the only ones who would be over this issue that is a central part of the reform process for the parole system is a group of bureaucrats, using her language, in 121 Exhibition Street, where the Department of Justice and Regulation is located, alarms me no end. I would have thought the reforms to the parole system and the bringing together of different IT systems through this comprehensive case management system would be something that she would want to know the detail about, particularly given the failure to honour the time frames committed to by Minister Noonan and indeed by herself.

My question is not asking for the details of an IT project. It is asked merely to understand why there has been a time slippage — from her own statements a few months ago — from mid-2017 to the end of 2017, and what the change in the systems approach that she referred to in her answer looks like.

The ACTING PRESIDENT (Mr Elasmr) — My understanding is that the minister gave enough explanation, Mr O'Donohue. We really need to move on, but I will ask the minister if she would like to make any further comment.

Ms TIERNEY — The fact of the matter is that this question has been asked in this chamber several times. It has also been an issue in respect of an FOI matter. I just think that we need to move on. I certainly am not abrogating my responsibilities; quite the reverse. In terms of being disrespectful to Department of Justice and Regulation staff, there is nothing further from the truth. I absolutely admire the work that they do. They are an incredibly professional and dedicated team and I am very thankful that they are at the helm of Corrections Victoria in this state. They do great service.

Mr O'DONOHUE — Thank you for that answer, Minister. On 6 December you said that phase 2 of the comprehensive case management system would be delivered by mid-2017. Why is it now the end of 2017?

Ms TIERNEY — I believe I have answered that question.

Mr O'DONOHUE — Minister, one of the issues that this bill deals with and is one of the central parts is the issue of contraband and contraband delivered by drones. In that context and central to the bill, why have not the contraband statistics for the month of June yet been released? It is now six weeks since the end of June. They are normally released before this time. Is there any reason why they are yet to be released?

Ms TIERNEY — This is another example of a question — the collection of statistics on contraband — which has very little to do with the substance of the bill before us. I have some reservations about going into too much detail on this because, firstly, it has very little to do with the bill, if anything at all; and secondly, because I do not want details on this important issue being passed on to others, to be quite frank. In terms of the timeliness of those statistics, I will seek advice on that, but I would remind Mr O'Donohue that it was this government, the Andrews Labor government, that actually introduced the public collection of data on these sorts of things in our system.

Mr O'DONOHUE — I would be happy for the house to report progress if the minister wishes to get advice about why there is a delay in the release of those statistics. She referred to getting advice about same.

Ms Symes — On a point of order, Acting President, I am seeking your guidance in relation to the relevance of contraband statistics to this bill. I believe that I listened to the question and Mr O'Donohue talked about drones, contraband and contraband statistics. It is a bit of a stretch for the purpose of the bill, and I would ask for your guidance on whether he should be asking the minister about these things.

Mr O'DONOHUE — On the point of order, Acting President, I reiterate my previous comment. I have no interest in elongating this debate any further than is necessary. Let me just make the case or perhaps explain it as I see it. The government said in the second-reading speech that this bill is about drones. Drones are being used on some occasions to —

Ms Pennicuik — The bill is about many things.

Mr O'DONOHUE — It is about many things; you are right, Ms Pennicuik. The bill canvasses a range of things. As the purpose clause of the bill says very clearly, it amends the Corrections Act 1986, the Children, Youth and Families Act 2005 and the Serious Sex Offenders (Detention and Supervision) Act 2009 and deals with a range of things from parole to terrorism, foreign incursion offences, defensive homicide, information sharing and changes to the Serious Sex Offenders (Detention and Supervision) Act, but in relation to the point of order, drones are a means by which contraband can be delivered to a prison. There have been publicised examples of that. The minister provided some examples of that in the previous debate in the committee. The statistics around contraband are normally released around four weeks after the end of the month. That has not yet occurred for the month of June, and I am interested to know if there

is a reason why. I think it is directly relevant to the issue of contraband, which is one of the issues of this bill.

The ACTING PRESIDENT (Mr Elasmr) — Order! According to the advice I have about Ms Symes's point of order, there is a little bit in the bill about what Mr O'Donohue is talking about so I cannot uphold her point of order. It is up to you, Minister, to decide what to do. Do you want to report progress or do you want to continue?

Ms TIERNEY — I do not have an answer on me at the moment. We are more than happy to support a report of progress to the house.

The ACTING PRESIDENT (Mr Elasmr) — Mr O'Donohue, are you moving to report progress or do you want to continue?

Mr O'DONOHUE — I would like an undertaking from the minister that she will provide an answer about when those statistics will be provided by the end of the sitting day, which I do not think should be too hard.

Ms TIERNEY — Mr O'Donohue, I am advised that data is being collected, but I am also advised that I cannot give you a definitive date and time as to when that data collection will be finalised.

Ms CROZIER (Southern Metropolitan) — I also have some questions in relation to drones as they impact youth justice centres. I would like to know: how far away from the youth justice centres will drones be banned?

Ms TIERNEY — One hundred and twenty metres, Ms Crozier.

Ms CROZIER — Thank you, Minister, for that answer — 120 metres. So that is, I presume, from a locality boundary. Is it 120 metres from the boundary or from a radius of the youth justice centre?

Ms TIERNEY — Ms Crozier, I am advised that it is from the perimeter of the land.

Ms CROZIER — Thank you very much, Minister, for that response. If that is from the perimeter of a youth justice centre, I pose to you that the Parkville youth justice centre is immediately adjacent to the boundary of the suburb of Brunswick. So will Brunswick West residents or anyone in the area adjacent to the boundary of the Parkville youth justice centre be allowed to use drones, or will they be banned?

Ms TIERNEY — Ms Crozier, the answer, I am advised, is that they will not be able to use drones in that area.

Ms CROZIER — Thank you. So just getting clarification, any resident within 120 metres of the boundary of a youth justice centre will be prohibited from using drones in that area?

Ms TIERNEY — That is my advice, yes.

Ms CROZIER — Thank you. We have also very close to the Parkville youth justice centre Melbourne Zoo. In fact it is not too far away. Often photographers take photographs of Melbourne Zoo. Will they also be banned from using drones in terms of using photographic equipment for the purposes of photographing Melbourne Zoo?

Ms TIERNEY — I do not have the exact distance between Parkville and the zoo, but I will seek some advice.

I am advised that there are exemptions and that the general manager of Parkville can approve those exemptions. I would imagine that the zoo would be involved in that.

Ms CROZIER — Could you just confirm to me what those exemptions are? You have just said the Parkville manager can approve those exemptions. Would, for instance, a photographer need to get —

Honourable members interjecting.

Ms CROZIER — She is not listening to me, but anyway —

Ms Tierney — Yes, I am hearing. I can do both, thanks.

Ms CROZIER — There is no need to be testy about it —

Ms Tierney — I am not testy at all.

The ACTING PRESIDENT (Mr Elasmarr) — Order! Ms Crozier, have you finished your question? Continue.

Ms CROZIER — I was just asking what the process is for somebody to undertake that — that is, the process of management okaying the exemptions. How does that get covered off? If the minister could explain that to me. And who would be exempt?

Ms TIERNEY — As I have said, it is the general manager that would exempt. There are no categories, and it is at the discretion of the general manager.

Ms CROZIER — Thank you, Minister. That is very vague. It is up to the general manager to give exemptions, but there must be some categories. If you are banning drones within 120 metres of boundaries, then you are giving authority to the general manager of a youth justice facility. I just need to understand what those exemptions would be.

Ms TIERNEY — This matter is covered off in clause 64, which provides for exemptions where a person is entitled or authorised to use a helicopter under commonwealth laws; for example, if a permit has been issued by the Civil Aviation Safety Authority for medical transport or air ambulance services. Exemptions may also be granted under regulations. An officer in charge may also authorise the use of a remotely piloted aircraft or a helicopter for other lawful purposes.

Ms CROZIER — Thank you, Minister. I am well aware of what clause 64 says; it relates to some emergency procedures. My issue is if a photographer is using a drone 120 metres from the boundary of the youth justice facility to do a long-distance shot, for instance, of the zoo. You are saying the general manager can give exemptions to that. I just want to understand the process. If the drone was flying within the vicinity, and they did not get an exemption, they would be penalised under this bill. Is that correct?

Ms TIERNEY — I have already answered this question.

Ms CROZIER — Thank you, Minister. I do not think you have actually answered it very clearly, so I will go back to the issue about the boundaries and residents living in the vicinity of the Parkville youth justice centre. If a child was using a drone in their backyard, then they would be penalised?

Ms TIERNEY — As I said, there are exemptions under the regulations. I have also said that the governor or the officer in charge of the residential facility may authorise the use of remotely piloted aircraft and helicopters for other lawful purposes. In terms of the point that you raise, Ms Crozier, in terms of a 12-year-old in a street close by the Parkville facility, there would be an investigation, and clearly there is discretion in terms of whether it was intentional or not.

Ms CROZIER — Who would undertake that investigation, Minister?

Ms TIERNEY — Similar to the raft of questions you asked prior to the winter break, the answer is the police.

Ms CROZIER — Minister, I think you are not taking this very seriously. I mean, this is about contraband and drones. You have just answered my question and said that within 120 metres of the Parkville youth justice centre drones are banned. I have asked: if a child was playing in their backyard with a drone, would they be penalised? You have said, ‘No, they would be under investigation’. I think there are some legitimate questions here so that the community can understand what they can and cannot do and how the community can react to that.

If I could just go back to the point about contraband, that same child might be able to hit a tennis ball over the wall into Parkville with contraband. This is a reality, so drones are an issue.

Mr Leane — What is the tennis ball and the drone?

Ms CROZIER — I am talking about contraband, Mr Leane, and it is important.

The ACTING PRESIDENT (Mr Elasmr) — Order! Ms Crozier to continue with her question.

Ms CROZIER — It is important that there is some clarity around what can and cannot be done, and you have said an investigation would be conducted by police in terms of a drone being flown by a child. So if I could just go back to that exemption issue, does that also apply to a hot air balloon, for instance, if it was flying over the vicinity?

Progress reported.

**COMMERCIAL PASSENGER VEHICLE
INDUSTRY BILL 2017**

Committee

Resumed from earlier this day; further discussion of postponed clause 12 and Mr O’DONOHUE’s further suggested amendments:

1. Clause 12, line 29, omit “\$1” and insert “nil”.
2. Clause 12, page 10, line 8, omit “\$1” and insert “nil”.

Mr O’SULLIVAN (Northern Victoria) — I have just got one question I would like to ask the minister in relation to this piece of legislation that is in front of us, and it is in relation to country services.

Just recently Euroa taxi operator Damien Murphy has made the decision that he is going to close his taxi service for Nagambie on 2 December, leaving that town without a taxi. He has said that this is a direct result of the impending \$2 levy that will have to be put onto each of the trips that will be undertaken in that town. Uber does not exist in the township of Nagambie; it is only a small town. Can you, Minister, indicate to me please what sort of service guarantee the government will be able to give to small communities like Nagambie in relation to situations like this where the taxi service is going to close due to the regulation of a Melbourne-based service?

The DEPUTY PRESIDENT — Mr O’Sullivan, we are dealing with clause 12, and as such we are not debating the bill as a whole. It is up to the minister if she wants to reply.

Ms PULFORD (Minister for Agriculture) — It has no impact on clause 12.

Committee divided on further suggested amendments:

Ayes, 18

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

Noes, 20

- | | |
|---------------|--------------------------------|
| Barber, Mr | Mikakos, Ms |
| Dalidakis, Mr | Mulino, Mr |
| Dunn, Ms | Patten, Ms (<i>Teller</i>) |
| Eideh, Mr | Pennicuik, Ms |
| Elasmr, Mr | Pulford, Ms |
| Gepp, Mr | Purcell, Mr |
| Hartland, Ms | Shing, Ms |
| Jennings, Mr | Somyurek, Mr (<i>Teller</i>) |
| Leane, Mr | Springle, Ms |
| Melhem, Mr | Tierney, Ms |

Pairs

- | | |
|--------------|-----------|
| Atkinson, Mr | Symes, Ms |
|--------------|-----------|

Further suggested amendments negated.

No question put pursuant to standing order 14.15(2).

Postponed clause 20

Mr O'DONOHUE (Eastern Victoria) — I am pleased to move my further suggested amendment 4. I move:

4. Clause 20, after subclause (2) of that clause, insert—

“() Regulations made under this Part may be disallowed in whole or in part by resolution of either House of Parliament.”.

This is a standard oversight provision. We believe there should be oversight of the new tax the Andrews government is seeking to impose on the industry and that the Parliament should be able to disallow it in whole or in part by resolution of either house. I note the Greens have moved on many occasions a similar amendment in other contexts. The Legislative Council is obviously the house of review, and this further suggested amendment just provides that oversight function so the Parliament can ultimately keep check of the new tax this bill seeks to create.

Ms DUNN (Eastern Metropolitan) — In relation to the further suggested amendment moved by Mr O'Donohue I would like to put on the record that, yes indeed, the Greens have moved on many occasions amendments to make certain provisions disallowable instruments, and the Greens are generally supportive of additional oversight of either house of Parliament. However, what we do recognise in relation to this is that it has been very short notice in terms of being able to fully integrate the implications of this bill, particularly in relation to payments to industry stakeholders. I would certainly encourage the government to look at this matter as part of a second tranche of legislation. I think it is useful to have that level of scrutiny. I also think it is useful that a second tranche of legislation coming before this house in relation to commercial passenger vehicles may provide an opportunity with the time required to investigate fully the implications and scope of such a matter in a way that can be looked at.

In this instance we will not be supporting the amendment. However, we do encourage the government to seriously look at a disallowance as part of that second tranche of legislation, because essentially the additional oversight provided by either house of Parliament is one that we generally would support.

Ms PULFORD — The government will be opposing this amendment.

Committee divided on further suggested amendment:

Ayes, 18

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

Noes, 20

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

Pairs

Atkinson, Mr	Symes, Ms
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Further suggested amendment negatived.**No question put pursuant to standing order 14.15(2).****Reported to house with amendments.****Report adopted.**

Third reading

The ACTING PRESIDENT (Ms Dunn) — I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. I ask the Clerk to ring the bells.

Bells rung.**Members having assembled in chamber:**

The PRESIDENT — The question is:

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

House divided on question:

Ayes, 21

Barber, Mr	Mulino, Mr
Dalidakis, Mr	Patten, Ms (<i>Teller</i>)
Dunn, Ms (<i>Teller</i>)	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Gepp, Mr	Shing, Ms
Hartland, Ms	Somyurek, Mr

Jennings, Mr
Leane, Mr
Melhem, Mr
Mikakos, Ms

Springle, Ms
Symes, Ms
Tierney, Ms

TV news helicopter, for instance, would they have to receive authorisation from management or the governor?

Noes, 19

Atkinson, Mr
Bath, Ms
Bourman, Mr (*Teller*)
Carling-Jenkins, Dr
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr
Finn, Mr
Fitzherbert, Ms
Lovell, Ms

Morris, Mr
O'Donohue, Mr
Ondarchie, Mr
O'Sullivan, Mr (*Teller*)
Peulich, Mrs
Ramsay, Mr
Rich-Phillips, Mr
Wooldridge, Ms
Young, Mr

Ms TIERNEY — Yes, they would.

Ms CROZIER — Thank you very much for that answer, Minister. Does this not stifle free media and stop them from reporting on issues such as the Malmesbury escape, for instance, or the escape from Beechworth or other escapes that have occurred in recent times? Does that not stifle the ability for media to undertake what they need to do if they have got to receive or get authorisation, particularly in a highly volatile escape situation?

Question agreed to by absolute majority.

Read third time.

Ordered to be returned to Assembly with message informing them of decision of house.

**CORRECTIONS LEGISLATION
MISCELLANEOUS AMENDMENT
BILL 2017**

Committee

Resumed from earlier this day; further discussion of clause 1.

Ms CROZIER (Southern Metropolitan) — Just before the minister moved to report progress I asked a question about hot air balloons. I am wondering if the minister could please respond to that. Is that also an exemption for the governor or the management of the youth justice facility should a hot air balloon inadvertently drift over a youth justice facility?

Ms TIERNEY (Minister for Corrections) — This bill does not cover hot air balloons. The issue of hot air balloons over correctional facilities and youth justice facilities has not been an issue; the issue has been helicopters and drones.

Ms CROZIER — Thank you, Minister, for the clarification. If I can go to the use of helicopters, as you have just referred to, will police need to be authorised to fly a helicopter near a youth justice facility — for instance, if they need to track or catch a young offender who may have escaped?

Ms TIERNEY — Ms Crozier, police are exempt, as is the Australian Federal Police.

Ms CROZIER — Thank you, and I think that, as you said, clause 64 covers that off. In relation to a news helicopter, would they need to be authorised? If it was a

Ms TIERNEY — This is an operational issue and a very important one. As you would be aware, many people who are serving custodial sentences have access to free-to-air TV, and indeed it is very important to reduce any possibility of information from one facility — or coverage from one incident in a facility — being conveyed to other facilities. I would have thought that the safe operation of our correctional facilities, including youth justice, is the imperative of any government.

Ms CROZIER — Thank you, Minister. I just need to get some clarification in relation to this. We are talking about the media's ability to report on these events. If they have to receive permission from management or the governor of a prison, then that is going to take some time. That therefore stifles their ability to report on the incident, and you have just confirmed to me that they need to receive permission, so could you explain the process of how that would be undertaken?

Ms TIERNEY — This does not apply to helicopters that are 120 metres above; this actually deals with below.

Ms CROZIER — I understand that. So what if a media helicopter, for instance, inadvertently flew within that 120-metre zone to capture vision of what was happening? Would they then be penalised under this current piece of legislation?

Ms TIERNEY — They would need to demonstrate grounds that there was a reasonable reason for it, and obviously they could also be subject to a police investigation.

Mr O'DONOHUE — Minister, I just have a couple of questions to clarify information which you helpfully provided during the committee stage back in June. Given the effluxion of time, I just want to clarify: have

there been any drone or helicopter incursions since I asked that question back in June?

Ms TIERNEY — I have been advised that on 13 June at the Metropolitan Remand Centre staff noticed a drone hovering over the road in front of the staff car park, but further investigation revealed the drone was owned by nearby commercial developers. The second one was on 3 August. A man was observed operating a drone in a grassed area adjacent to the Port Phillip car park. This person was near the car park waiting for another prison visitor.

Mr O'DONOHUE — Thank you for that information, Minister. Just by way of follow-up, with the second incursion do you suspect that perhaps it was not an accident, that perhaps they had some motivation for transportation of contraband?

Ms TIERNEY — That incident was on 3 August and I am advised that that is still under investigation, and I just do not have that information.

Mr O'DONOHUE — Minister, just on another matter I raised in the committee stage in June, you helpfully advised that with the passage of this bill seven of the Harper review recommendations will have been implemented, if my memory serves me correctly. Does that remain the current status of the implementation of those recommendations?

Ms TIERNEY — I thank the member for his question. Work has begun on all 35 recommendations, and as a result of the recent budget every single one of them has now been funded. The entire reform will be completed next year. It is seven recommendations that have been implemented. Twenty-eight are underway, and these include expanding our post-sentence supervision scheme to include serious violent offenders, a new governance authority to provide independent and rigorous oversight of the scheme and a multi-agency panel with legislative obligations to share information and coordinate service delivery. There will be reforms also to service delivery and operations, including earlier assessment and treatment models for serious offenders, and there will be new specialist facilities and community accommodation options for post-sentence offenders, including the new 20-bed facility being built near Ararat. Most of this is dependent on legislation. Bills are due to be presented to Parliament later this year and early next year. All reforms will have been delivered in full by next year, as we have consistently said we would do.

Ms CROZIER — Minister, just in relation to the authorisation for media outlets that I referred to in my

previous question, I note that in the bill the Governor may give authorisation for that to occur. Could you just explain what that authorisation process is?

Ms TIERNEY — I am advised that those aspects of the bill that have an impact will be incorporated into procedures, and they are being developed.

Ms CROZIER — Thank you, Minister. Just to confirm: at this point in time are there no policies or procedures for the authorisation of those who want to fly over youth justice facilities or prisons — for example, the media, who might be reporting on an incident. They are yet to be developed?

Ms TIERNEY — The commonwealth actually operates the space they normally fly in, but leaving that to one side this bill has not gone through the Parliament, so those processes have not been finalised.

Ms CROZIER — Thank you, Minister, for your response, but I think this is important for those who have an interest. We know there has been, for instance, a mass escape from Malmsbury under your government. That had a huge amount of media interest, and I do not think the media expect to have no procedures or understanding of what they need to do should this bill go through. You have not developed policies or procedures as yet, so could you give an undertaking to the house as to how long those policies and procedures in relation to authorisation are going to take?

Ms TIERNEY — The bill does not stop helicopters flying 120 metres and above. That is Civil Aviation Safety Authority space. But in terms of the procedures that you are particularly interested in, there is a commitment that we will engage with a whole range of stakeholders, particularly the media, and we look forward to their input.

Ms CROZIER — Thank you for that undertaking, Minister. In relation to your consultation process for those households that are close to Parkville youth justice centre in Brunswick West, for instance, how many households or businesses will be affected by coming within the 120-metre zone that you spoke about earlier in relation to what this bill will confine the area to?

Ms TIERNEY — I do not have that level of detail before me, but with everything that we do that is connected to the community there will be community consultations, and we in Corrections Victoria have got a fine track record with respect to that.

Ms CROZIER — I take it that no consultation has been undertaken to this point, so when will that occur?

Ms TIERNEY — That will commence once the bill passes through the house, but I am confident that those who want to participate in that stakeholder conversation will be able to do so in a very full and frank way.

Clause agreed to; clauses 2 to 65 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

**PLANNING AND BUILDING
LEGISLATION AMENDMENT (HOUSING
AFFORDABILITY AND OTHER MATTERS)
BILL 2017**

Introduction and first reading

Received from Assembly.

**Read first time on motion of Ms TIERNEY
(Minister for Training and Skills); by leave, ordered
to be read second time forthwith.**

Statement of compatibility

**Ms TIERNEY (Minister for Training and Skills)
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 Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill 2017.

In my opinion, the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill 2017, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The main purposes of the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill 2017 (bill) are to amend the Planning and Environment Act 1987 to facilitate affordable housing supply; modify the requirements for determining certain applications to amend wind farm permits; and make miscellaneous amendments to

the Building Act 1993 and the Building Amendment (Enforcement and Other Measures) Act 2017.

Human rights issues

There are no human rights protected under the charter that are relevant to this bill. I therefore consider that this bill is compatible with the charter.

The Hon. Philip Dalidakis, MP
Minister for Small Business, Innovation and Trade

Second reading

**Ordered that second-reading speech be
incorporated into Hansard on motion of
Ms TIERNEY (Minister for Training and Skills).**

**Ms TIERNEY (Minister for Training and Skills) —
I move:**

That the bill be now read a second time.

Incorporated speech as follows:

This Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Bill 2017 introduces amendments to both the Planning and Environment Act 1987 and the Building Act 1993 and related building legislation. It contains provisions relating to affordable housing (which I will discuss shortly), minor building-related amendments and provisions to facilitate the processing of variations to certain wind farm permits.

Firstly, I would like to draw your attention to the important issue of affordable housing. Everyone deserves the safety and security of their own home, but for many Victorians that dream has become increasingly elusive. So, the Andrews government is doing what we can to build a brighter, more sustainable future, and to help more people break into the housing market.

We recently announced a series of sweeping reforms through the Victorian housing strategy *Homes for Victorians: Affordability, Access and Choice* that will deliver lasting benefits across Victoria. The reforms target housing affordability and choice, and the long-term planning for housing and growth across Melbourne and the regions.

The strategy has a number of significant reforms. We understand that developers want to give something back to the community they are investing in. Providing affordable housing to Victorians who need it most is a great way of ensuring that the community benefits from new development. We are going to encourage a voluntary benefits scheme, and develop a clear framework for how these arrangements can be applied. This will include amending the Victorian planning provisions and state planning policy framework to give statutory effect to their delivery as a legitimate planning outcome.

This bill proposes to amend the Planning and Environment Act 1987 to establish a clear framework for voluntary arrangements relating to affordable housing. These reforms propose to insert a legal definition of 'affordable housing' into the act, and also make it a specific objective of the act to facilitate affordable housing. The reforms will also insert new

provisions to enable a council to enter into a voluntary agreement with a landowner for the development or provision of land for affordable housing.

This framework will give developers, the community and local councils certainty about how a voluntary contributions scheme will be applied to support the development of land for affordable housing.

To support these legislative reforms, an order in council will be prepared to provide an explanation of the definition. Non-statutory ministerial guidelines will be developed to provide guidance on matters that a council may have regard to when negotiating an agreement. Lastly, a model agreement will be prepared to encourage 'best practice' and to provide consistency.

Amendments to called-in wind farm permits

The bill also contains important amendments which will streamline the process for amending wind farm planning permits. The proposed changes in process will only apply to applications to amend wind farm permits that have been issued by the minister after being called in for determination.

Currently it is mandatory that any objection to an application to amend a called-in permit be referred to a planning panel where that objection is made within time. The panel must hold a hearing and give interested parties the opportunity to be heard. The panel process takes several months minimum due to the hearing process, and the time taken to write the panel report. This process can also increase an applicant's costs, due to the need for legal representation, expert witness reports and panel costs.

In contrast, where a permit is granted by a council (rather than being called in and granted by the minister), any objections to an application to amend that permit will not require a panel process. That is, the amendment application in that case can be decided without a panel process, even if there are objections.

Applications to amend called-in permits for wind farms have highlighted the time delay and cost issues with the mandatory panel process. There can be high demand from wind farm permit holders to amend their called-in permits, for example, to use larger turbines and reduce the number of turbines.

The proposed changes to the act will enable planning schemes to specify certain classes of applications to amend called-in wind farm permits that will be exempt from the requirement to refer objections to a panel. Objections may still be lodged in relation to those amendment applications, and the minister will still be required to consider those objections as part of the decision-making process on the application.

The proposed changes to the act will also provide that for amendment applications in the specified class that are not exempt, any objections to those applications will instead be referred to a standing advisory committee established under the act, instead of a panel. The committee will provide transparent and independent advice to the minister, and will be directed to report within a specified time frame.

Building legislation amendments

Clause 11 of the bill amends section 180 of the Building Act 1993. The current provision provides for immediate suspension of a registered building practitioner if the practitioner is insolvent under administration or is an officer of a body corporate that is insolvent under administration. But advice indicates that the way the provision has been drafted does not, as a matter of law, provide a ground for immediate suspension if a registered building practitioner is an officer of a body corporate that is under external administration within the meaning of the corporations law. The amendment corrects this technical problem so that there are grounds for immediate suspension of a registered building practitioner who is a natural person if the practitioner is an insolvent under administration or is an officer of a body corporate that is subject to external administration within the meaning of the Corporations Act 2001.

Clauses 12 and 13 have the effect of excluding the ability of a local council to prosecute the indictable offence in section 16B of the act. The government is committed to only prosecuting the indictable offence in the most serious of cases. This commitment is secured through the operational policy of the Victorian Building Authority (VBA). The amendment means that operational policy concerning the indictable offence will be centralised with the VBA.

Furthermore councils are not well equipped to investigate and prosecute indictable offences. Where a council or municipal building surveyor believes an indictable offence may have been committed in its municipality it can refer the matter to VBA. VBA will then consider the issue in light of its operational policy and may take up the matter, or, if it considers the indictable offence should not be prosecuted, may take other enforcement action, or may refer the matter back to council to action, as is appropriate. VBA will shortly circulate its updated operational policy on the indictable offence to councils.

I commend the bill to the house.

Debate adjourned for Mr DAVIS (Southern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 17 August.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) —
I move:

That the house do now adjourn.

Bendigo Health

Ms WOOLDRIDGE (Eastern Metropolitan) — My adjournment matter this evening is for the Minister for Health in the other place. The action I seek is that she immediately release the report of Safer Care Victoria into what has happened in Bendigo Health in regard to microbiology services being moved off site and down to Melbourne, which she had Safer Care Victoria

investigate. There was a report on Saturday in the *Bendigo Advertiser* that:

... Safer Care Victoria chief executive officer Euan Wallace said the organisation had handed down its report but did not expand on its recommendations.

He went on to say:

Safer Care has been involved in the pathology investigation at Bendigo Health as you know and our work is finished and our report has been finalised and provided.

This is a matter of great concern, one that I have raised in this chamber before. In fact it was the repeated raising of it here and in the community that led to the investigation request by the minister of Safer Care Victoria. So it is only appropriate that this report now be released so that everyone can understand the implications of the movement off site and down to Melbourne of these microbiology services. This is an important issue. It has been raised in the context of patient safety, being able to get these results in quick time and also the fact that being able to do them on site in relation to a single cohort of patients has led to identification of clusters of concern that will not have the same capacity to be investigated and identified if the results are down in Melbourne along with those of the whole rest of the state.

It does come on the back of a very concerning time at Bendigo Health in general. The most recent performance results, released last week, show that compared to the same time last year the elective surgery waiting list is up by 7 per cent to 1340 patients, the proportion of elective surgery patients treated within clinically appropriate times is down 7 per cent to 79 per cent, and the median time to treatment for all elective surgery patients is up 27 per cent to 37 days. That is an additional eight days.

This is in the context of a very reckless transition to replacing operating theatre anaesthetic technicians with anaesthetic nurses, which led to the withdrawal of neonatal surgical services, and a botched implementation of digital medical records, all in the context of a great decline in staff morale and further concerns raised about the risk to patient safety and quality. Today the board has announced that the CEO's employment has been terminated.

Daniel Andrews clearly has not provided the guidance and the leadership that is required at Bendigo Health, and certainly the board has not provided that guidance and leadership. We need the information from the minister in relation to this issue in regard to the Safer Care Victoria report.

Northern Victoria Region roads

Mr GEPP (Northern Victoria) — I rise to raise a matter for the Minister for Roads and Road Safety in the other place. My action for the minister is to ask him to outline to the house the time line and location of the massive investment by the Andrews Labor government in maintenance of the roads of northern Victoria in my electorate. Today as I drive around my electorate of Northern Victoria Region I see the long-term effect on our roads brought about by the neglect of the previous coalition government. They took an axe to rural and regional roads funding when in office. After just two years of the previous coalition government, the VicRoads pavement surface treatment budget had fallen by \$50 million — \$50 million under their watch.

I am, however, pleased to advise the house that the current minister for roads, the Honourable Luke Donnellan in the other place, has not forgotten about regional and rural Victorian roads and the vital role they play in our communities, in our state and in our economy. Since coming to office the Andrews Labor government has doubled spending on road maintenance. In fact in the 2016–17 budget year we saw a pavement surface treatment budget allocation of a then record \$210 million.

But our sound economic management has allowed for an even bigger allocation in this year's budget for the VicRoads pavement surface treatment program, \$394 million. Additionally, the 2017–18 budget allocates more than \$500 million to rebuild the state's regional road network, doubling road maintenance investment, upgrading bridges and constructing some new bypasses. Over the next 12 months VicRoads will be doing more pavement work than has been done in decades. More than 850 kilometres of deteriorating roads in regional Victoria will benefit from a \$260 million maintenance boost for repair and resurfacing. I ask if the minister could update the house on the time line and location of those works, particularly in my electorate of Northern Victoria Region.

The PRESIDENT — Can I just indicate that I have obviously shown some latitude in the sense that Mr Gepp is a new member, but that was remarkably like a set speech. Particularly when it went into budget allocations and so forth, he actually provided a lot of information that is government information. In future adjournment items if Mr Gepp could just focus on providing the context for his question without so much of a set speech.

V/Line services

Mr RAMSAY (Western Victoria) — My adjournment matter tonight is for the Minister for Public Transport, the Honourable Jacinta Allan. The matter I want to bring to her attention is in relation to capacity on our regional train sets, particularly the Waurn Ponds to Southern Cross service. I raise this matter with the minister and I foreshadow an action that we are seeking more train sets and more carriages per service in peak times.

I refer the chamber to the Victorian Auditor-General's Office (VAGO) report entitled *V/Line Passenger Services*. The report indicates that:

V/Line has failed to meet key service criteria for the operational performance of its passenger services, as specified in its services agreement and in state budget papers, particularly during the period July 2015 to March 2017.

The Auditor-General goes on to say:

During the current services agreement, V/Line has not been able to consistently meet punctuality targets for its train services.

It goes on to say:

This was highlighted during early 2016 when, despite the wheel wear and boom gate problems — and the replacement of 350 trains with coaches ...

So we had this problem associated with wheel wear on the tracks which everyone in this chamber will be familiar with, but the real issue I want action from the minister on is: what do we do in the short term in relation to peak hour where there are more passengers than capacity in our carriages? We know this is true particularly on the Waurn Ponds to Southern Cross line. I note that Paul Westcott from the Public Transport Users Association has indicated that perhaps another set of carriages — a three-set of carriages — could be provided for those peak periods.

I firmly believe passengers deserve a seat, particularly for longer distance services. They deserve some room to be able to move, and they deserve a quality of service which V/Line at this current time is obviously not providing. There is no doubt that passengers at those peak times on that Geelong service are being treated like cattle. In fact I suspect cattle have more opportunity to move around in cattle trucks than passengers do on these services.

Given VAGO's quite damning report on V/Line services at the moment for regional Victoria — I have talked about the Waurn Ponds service, and my colleague Mr Morris will perhaps talk about the

Ballarat service at a different point in time — we need different sets of carriages to be able to cater for peak times. I call on the minister to investigate and provide those additional carriages at peak service times for the Waurn Ponds to Southern Cross service.

Fawkner Primary School

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Education. Recently I had the pleasure of visiting Fawkner Primary School in my electorate, a vibrant multicultural school and school community. It is certainly an area that is due for its fair share of growth amongst young families. The problem, though, is the condition of the school's buildings. The architectural style is quite familiar to me because it is the same construction as the classrooms that I occupied when I was at school in the 1980s and which were quite possibly built in the 1960s. It is now 2017. It is very obvious that the floors are shifting, the roofs in some areas are subsiding and it is only the window frames that are holding the buildings square, but then there are quite a few problems with the window frames as well, which appear to be on their last legs.

The state of this school should not be seen as a matter of embarrassment to the community. The state of this school should be seen as a matter of embarrassment to the Labor Party. The community must really be wondering, 'When will it be our turn to get just a basic, decent standard of classroom?'. It cannot be a patch-up job or a renovation rescue. The entirety of the main school building, in my view, would have to be replaced. They have had no new facilities with one exception, and that was the classrooms that were funded by the federal Labor and Greens program known as Building the Education Revolution. There is quite a bit of adjoining public land, which over time is going to make this a real community hub. Moreland council is doing its bit for the open space and sporting facilities with a master plan that it is preparing.

It is now time for the member for Broadmeadows in the Assembly to actually step up to the plate and advocate on behalf of his community. He is always there when the news is good and there is a positive photo opportunity, but he is very hard to pin down when it comes to these sorts of problems where he might actually have to burn some of his personal political capital in order to get an outcome for his community. Labor is very big on the working-class mythology and the rest of it, but the fact is that it has neglected this small corner of the Broadmeadows electorate. It is well and truly this community's time to receive some funding. They need a minister as well as a local

member who are actually willing to acknowledge problems, roll up their sleeves and in an unglamorous way work through the system, work through the funding allocations and get the money that this school needs for its new buildings.

Firearm permits

Mr BOURMAN (Eastern Victoria) — My adjournment matter tonight is for the Minister for Police. Permits for category C firearms, shotguns in this instance, can be given to shooters to allow them to use semi-automatic shotguns at shooting ranges only. The permits are issued to those with a medical reason, such as that the use of a recoil or gas-operated firearm will not aggravate their injury as much — think of a shoulder reconstruction as an example. Unfortunately these medical conditions do not only exist at the range. The people that are afflicted with them have to live with them all the time. Given the recent invasive animal inquiry recommendations and the existence of the medical requirements for the permits, I call on the minister to investigate allowing those who qualify for category C permits for club use to use those same firearms for field use.

State Revenue Office

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Treasurer, and it is regarding the lack of payment options listed on land tax assessment notices for people without credit cards or internet facilities. My request of the Treasurer is that he direct the State Revenue Office (SRO) to list all payment options currently available to customers, including payment at a bank, on land tax assessment notices.

In May this year I was contacted by a constituent, Mr Robert Dodds, who was attempting to pay his land tax assessment bill. Mr Dodds does not own a credit card or have access to the internet, so you can imagine his frustration when the only payment options listed on his assessment notice were to pay via BPAY, with a credit card or online with BPAY View. A further option listed, to visit the State Revenue Office website at sro.vic.gov.au/paylandtax for alternative payment options, was of little use to Mr Dodds, who as I said does not have access to the internet. Thankfully one of my staff ascertained for Mr Dodds that he could actually pay the bill at any Westpac bank branch without fees or at any other bank, where fees would apply.

In response to Mr Dodd's issue I raised the matter with the Treasurer by letter on 1 June 2017. His reply

incorporated a letter from the commissioner for state revenue, Paul Broderick, who stated:

The option of paying at the Westpac or another bank is not listed on the 2017 land tax assessment notice. This is to promote customers' use of electronic payments and discourage the use of paper-based payments such as cheques. The SRO is moving towards a digital future and providing streamlined digital services that will fully replace the more time-consuming and costly paper-based alternatives. While the bank payment option is not listed on the assessment notice, it is still an available payment option for customers who are not able to use electronic banking methods.

This last point by Mr Broderick is at the heart of an issue faced by many thousands of Victorians like Mr Dodds: how can they possibly know of an alternate payment method when the information about that option is only available via a platform they cannot access?

While I can understand the desire of the State Revenue Office and other government agencies to encourage electronic payments, my concern is for my constituents, as Greater Shepparton ranks amongst the lowest areas of home internet connectivity in Victoria. The 2016 Australian Bureau Statistics census found that 19.1 per cent of homes — one in five — in Greater Shepparton are not connected to the internet, which is well above the state average of 13.6 per cent and the national average of 14.1 per cent.

The decision to delete a legitimate and still available payment option from appearing on land tax notices has proven to be short-sighted and has only caused angst for Victorians, including our elderly. I ask the Treasurer to direct the State Revenue Office to list all payment options currently available to customers, including payment at a bank, on land tax assessment notices.

The PRESIDENT — I concur with an aside that the minister made to me that that was also very close to — in fact I daresay was — a set speech.

Calder Freeway

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Roads and Road Safety, and it concerns representations I have received recently from the Calder Action Group, which is a group of people who have gotten together over a period of time and campaigned for improvements to the Calder Freeway — improvements we most certainly need.

The increasing population in Sunbury and the increasing population in the surrounds of Hillside and places such as that have meant that the traffic levels have also risen significantly. It is not unusual at all to

see huge numbers of cars banked back, trying to get off the Calder at Calder Park Drive. Indeed it can be quite dangerous, particularly on a wet day, sailing along up the Calder; you might sail up the back of a car that has stopped to get off at that particular road.

Calder Park Drive was not much more than a goat track in days not all that long ago, but it is now one of the main thoroughfares of a booming part of the western suburbs. It is, I think, worth giving some consideration to an overpass at this particular road, Calder Park Drive. Calder Park Drive is of course right next to the Thunderdome, as we lovingly know it, and that adds to the pressure on it when there are gatherings at that particular venue.

As things stand at the moment, the population continues to grow at a rapid rate, and the traffic levels are making it not just difficult but very dangerous for motorists on the Calder Freeway and on Calder Park Drive to access that part of the western suburbs, where many of them live.

I ask the minister to have a look at the traffic numbers, to have a look at the problems that have been created as a result of a population increase without an infrastructure increase and to give some very serious consideration to what can be done to build an overpass at Calder Park Drive. I have no doubt that if he were to give that the serious and due consideration that is needed, he would come to the view, as have my constituents in the Calder Action Group, that a Calder Park Drive overpass is needed.

Aurora estate, Epping

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter today is for the Minister for Planning, and it concerns the Aurora housing estate in Epping North, which is in Northern Metropolitan Region. This estate is managed by Development Victoria. I have had approaches from Mr Kernaghan and Ms Twyford, both residents there, just as I have had from several other residents, about fibre to the home in Aurora. This is an estate that was launched under the former Labor government and that just about promised the world. Justin Madden was the minister at the time. They talked about easy access to the freeway, lightning-fast internet, a new train station and a whole range of things for this new estate in Epping North, none of which have come good.

In terms of fibre to the home, residents are getting very, very poor service — so much so that kids are struggling to complete their homework using the internet service provider. They cannot get access to Netflix, Facebook

or videos, or to anything that helps them with their studies. What has happened is that the Labor members in the northern suburbs have gone absolutely quiet on this. This is a project that they promoted as being the bee's knees for the northern suburbs, and they have failed to deliver.

These residents have said to me that they have been trying to talk to Development Victoria, formerly Places Victoria, for a long time. They have had many, many months of discussions about how they are going to fix up their internet service, provided through Development Victoria, and they are getting no response at all.

The action I seek, therefore, is that the Minister for Planning intervene, talk to Development Victoria and fix this matter up so that at the very least the things that the then Labor government promised will be delivered to these people in the Aurora estate and the kids, the future of this state, can at least do their homework efficiently using reasonable internet access. I call on the minister to intervene to get this matter sorted out and to come back to me on what the solution is.

Cardinia transport infrastructure

Mr O'DONOHUE (Eastern Victoria) — I have received representations from a Mr Niewand of Pakenham, who has asked me to raise with the government the transportation issues for those in the Cardinia growth corridor seeking to access Melbourne — or in his case just Mount Waverley. This matter is for the Minister for Roads and Road Safety, Minister Donnellan.

Mr Niewand has recounted to me some of the commuting challenges he has in trying to access work, including how slow accessing work can be on the Monash Freeway, particularly with the upgrade works that are taking place at the moment. While we all accept there needs to be some disruption to normal travel times with works that take place, Mr Niewand is concerned that at times when the road network has been compromised because of those works the rail network has been unreliable, faulty and not operating to the timetable. He is surprised at the lack of on-road cycling networks there are for people who, like him, have an interest in cycling as an alternative.

The action I would seek from the Minister for Roads and Road Safety is that he consider the current framework for managing construction along the Monash Freeway and whether there are any ways to change that to accommodate the greater traffic flows, particularly during peak time. I also request that he

provide advice to me about what work the government has planned to enable cyclists to take pressure off our roads and rail system by commuting via cycle networks, which would obviously benefit the health of the community and help take the pressure off those other modes of transportation.

The PRESIDENT — Can I get you to use the word ‘review’ rather than ‘consider’?

Mr O’DONOHUE — Thank you, President. I ask the minister to review.

The PRESIDENT — You were, to some extent, going for two bites of the cherry. I trust that the minister will see a connection between the two things you were seeking.

Energy prices

Mr O’SULLIVAN (Northern Victoria) — My adjournment matter this afternoon is for the Minister for Energy, Environment and Climate Change, Minister D’Ambrosio, and the action I am seeking from the minister is in relation to providing some comfort to some big companies in relation to their energy costs. I will come back to a more precise action.

As we know, power prices and gas prices are continuing to go up right around the state, and that is putting an enormous amount of pressure on families and also on businesses. Tonight I want to talk about two particular businesses that are going to increasingly come under threat.

The Bendigo Manufacturing Group, obviously from Bendigo, is the largest manufacturing group in Bendigo. They are looking to expand their operations with a \$250 million investment in what they do, but one of the things they are certainly concerned about is the prospect of undertaking that investment with the threat of increased power prices over their head. Mark Brennan, the chairman of the group, made comment that they are looking for a review of what the costs are and what the government is going to do to address the ongoing rise of these costs, which is absolutely true.

Another company, Mooroopna’s Gouge Linen and Garment Services, employs 150 people. The Premier said that their costs would only go up by 4 per cent for power; unfortunately they have gone up by 272 per cent. That is a lot more than what the Premier said it was going to. Their gas prices have gone up by 168 per cent, and this equates to an extra \$300 000 a year that this family business has got to come up with in terms of paying the energy costs.

What I am looking for is for the minister to meet with these companies to provide some sort of comfort and to give them some sort of guidance as to how they can continue their operations, continue to invest and continue to employ people in an environment where we see power prices and gas prices absolutely going through the roof.

Palliative care

Mr DAVIS (Southern Metropolitan) — My matter is for the Minister for Health in the other place, and it concerns the provision of palliative care in Victoria. As people will know, I was health minister, and it is an area that I believe has great significance. In the period leading up to 2010 we made a promise to introduce a package for palliative care of \$34.8 million, as I recall it. We delivered in full every cent of that additional capacity and additional money to provide palliative care services. Prior to the 2014 election we made a commitment of \$66 million, which was not matched by the then Labor opposition. I do not know that they made any commitments on palliative care, because there is no sign that they have delivered any additional capacity given the fact that the population is growing and ageing. Palliative care is not only about ageing, but it is one factor that contributes to the significant demand. In fact all indications are that Labor has cut funding to palliative care, and certainly it has been cut on a population basis over the recent period.

Palliative care, I hasten to add, should be provided in many cases in the community and with services that are close to people providing the support for families and people at an end-of-life point. Palliative care is not the same as the euthanasia bill that the government is discussing, or the assisted euthanasia bill or whatever description you wish to put on that particular bill, but it does cut across many of the matters around that bill.

I make the point that the government should be funding palliative care more strongly. I know that Palliative Care Victoria has communicated with me, as I think it has with many others. It requires an additional \$65 million per year to ensure that there are sufficient resources to make sure that palliative care can be provided when needed, so I would have thought that a very baseline step for the government would be to meet those requests of Palliative Care Victoria to ensure that there is sufficient palliative care support that is available in the period going forward.

Whatever people’s views about the foreshadowed bill, and whatever their views about the lines and the interrelationship with palliative care, I would have hoped that there would be broad support for that

additional provision of funding, but it is pretty clear that the government has no commitment to palliative care. I think the sector has not had the support that they seek, so what I seek from the minister very specifically is a review of palliative care funding and the additional money that has been requested by Palliative Care Victoria to be provided.

Responses

Ms MIKAKOS (Minister for Families and Children) — This evening I have received the following adjournment items: from Ms Wooldridge directed to the Minister for Health, from Mr Gepp directed to the Minister for Roads and Road Safety, from Mr Ramsay directed to the Minister for Public Transport and from Mr Barber directed to the Minister for Education.

I make the point to Mr Barber that the Andrews government has in fact invested now more than \$2.5 billion into schools in upgrading our schools across Victoria. The average expenditure in our first three budgets is \$843 million in school infrastructure funding compared to the coalition's \$237 million a year in their first three budgets. We were left with a very significant backlog. Mr Barber and I do share an electorate. I make the point that the election commitments made by the Liberal Party at the time in relation to schools did not include a single school in Northern Metropolitan Region — not one school was on the Liberal Party election commitments.

Mr Ondarchie interjected.

Ms MIKAKOS — I am absolutely sure about that, Mr Ondarchie. To your embarrassment, there was not a single school in Northern Metropolitan Region on the list of election commitments from the Liberal Party, so inevitably there was a huge backlog because not a great deal got done in our electorate during the time of the previous government.

We are now attending to these significant matters, and to give you some context there has been more than \$60 million invested in schools across Northern Metropolitan Region compared to \$25 million over the four years of the previous Liberal government. There is enormous work going on in relation to making sure that working-class areas, as you referred to them, and also other parts of Northern Metropolitan Region do get the funding they need to ensure that every child in this state gets the same opportunities for education. In relation to the Fawkner Primary School issues, obviously local members in our government are very happy to assist with that as well, as the Minister for Education seeks to

ensure that we can continue to modernise and upgrade our schools right across the state to make sure children are getting quality education.

In relation to other matters, Mr Bourman raised an issue for the Minister for Police. Ms Lovell raised a matter for the Treasurer. Mr Finn raised a matter for the Minister for Roads and Road Safety. Mr Ondarchie raised a matter for the Minister for Planning. He dealt with a lot of issues to do with the national broadband network but failed to make mention of the fact that people are experiencing issues around access to the internet right across the country because of the federal government's failures to undertake matters in relation to these issues. I am happy to refer the matter to the Minister for Planning for a response.

I received an adjournment matter from Mr O'Donohue directed to the Minister for Roads and Road Safety. Mr O'Sullivan raised a matter for the Minister for Energy, Environment and Climate Change. Mr Davis raised a matter for the Minister for Health. Whilst I will obviously refer that matter to the minister, Mr Davis made some suggestions that there had been a cut in funding to palliative care. I refer him to a media release of 1 March of this year in which the Premier announced \$5 million in funding for community palliative agencies to provide at-home palliative care to support more Victorians with a terminal illness to be cared for and die in their place of choice. That is a very recent announcement, and it is in fact supported by a new end-of-life and palliative care framework, supported by \$7.2 million in funding to increase the options for people dying at home. There has in fact been further investment by our government, but I can refer that matter to the Minister for Health for further details.

The PRESIDENT — On that basis, the house stands adjourned.

House adjourned 4.51 p.m. until Tuesday, 22 August.

