PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 19 October 2017

(Extract from book 17)

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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 16 October 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Industry and Employment	The Hon. B. A. Carroll, MP
Minister for Trade and Investment, Minister for Innovation and the Digital Economy, and Minister for Small Business	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for 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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 13 September 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
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Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for 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

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence (until 23 August 2017)	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 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 — Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Elasmar, #Ms Hartland, Mr Melhem, #Mr Purcell, #Mr Ramsay, Ms Shing, #Ms Symes and Mr Young.

Standing Committee on Legal and Social Issues — #Ms Crozier, #Mr Elasmar, 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 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, Ms Hutchins, Mr Merlino, Mr M. O'Brien, Mr Pakula and Mr Walsh.

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

Electoral Matters Committee — (*Council*): Ms Bath, Ms Patten and Mr Somyurek. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon 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*): Dr Carling-Jenkins and 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 Gepp 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 Elasmar, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

Leader of The Nationals:
Mr L. B. O'SULLIVAN

Leader of the Greens:
Dr S. RATNAM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John[1]	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina[2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David[7]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel[3]	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[8]	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[4]	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Ratnam, Dr Samantha Shantini[9]	Northern Metropolitan	Greens
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Gepp, Mr Mark[5]	Northern Victoria	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph[6]	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFFP

[1] Resigned 28 September 2017
[2] Appointed 15 April 2015
[3] DLP until 26 June 2017
[4] Resigned 27 May 2016
[5] Appointed 7 June 2017
[6] Resigned 6 April 2017
[7] Resigned 25 February 2015
[8] Appointed 12 October 2016
[9] Appointed 18 October 2017

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; V1LJ — Vote 1 Local Jobs

CONTENTS

THURSDAY, 19 OCTOBER 2017

Thursday, 19 October 2017

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

NEW MEMBER

Dr Ratnam

The PRESIDENT announced the choosing of Dr Samantha Ratnam as member for the electoral region of Northern Metropolitan in place of Mr Greg Barber, resigned.

Dr Ratnam introduced and oath of allegiance affirmed.

The PRESIDENT (09:38) — Now I ask you to sign the register. Congratulations. Well done. You are now a member.

Earlier this week I sought indications from both the Leader of the Government and the Leader of the Opposition in relation to changes in their ministerial and shadow ministerial line-ups, but I am not sure that I actually sought from Ms Pennicuik or Ms Springle advice on the leadership of the Greens. Certainly we welcome you today not only as a new member to the house but also as the new Leader of the Greens. That is a meteoric rise, which many of us are left with some envy about.

At any rate, this is a bible of sorts: the standing orders. Coming from local government you will not have any trouble digesting it; I just hope you do not have any trouble applying it.

Dr RATNAM (Northern Metropolitan) (09:39) — Thank you very much.

Honourable members applauded.

RULINGS BY THE CHAIR

Adjournment matters

The PRESIDENT (09:39) — I want to also deal with another matter. After last night's adjournment debate, a matter was referred to me in respect of the response to a matter that was raised. The matter was for a minister in another place, and the minister in the chamber, being Mr Dalidakis, dealt with it last night and was of the view that he had discharged that matter. In respect of that matter, can I say that I understand Mr Dalidakis was able to, in his view, discharge that matter because he was provided with some information by another member of his party during that adjournment debate.

Whilst I think that that member may well have had significant knowledge of the matter that was put to Mr Dalidakis, I do think that in the circumstances a minister might well have had some additional perspective that they might have wished to have included in an answer to a member of the house. So I am not sure that as a general principle it is necessarily a good idea to rely on the input of a local member on a matter, because sometimes there are other considerations.

Notwithstanding that, in the precedents before the Parliament and a series of rulings over quite a long time by many presidents, the position of Mr Dalidakis is upheld in the sense that the President is not in a position to advise a minister or to take a view on a minister's answer in regard to how it responds to a member's question. Indeed, a minister is entitled, if they go to some explanation in that response, to consider that they have discharged the matter. Again, where you are not the actual minister responsible for that issue, it is probably a matter of considering the courtesy of perhaps allowing a ministerial colleague to make comment and to provide some further information, but in general terms Mr Dalidakis was within his rights last night to discharge the matter.

Mr Finn — On a point of order, President, I seek your ruling on this. Last night in response to a request that I made during the adjournment, Mr Dalidakis refused to accept that request and refused to request that the Minister for Public Transport attend a public meeting. The ruling that I seek from you is: is it is now okay, or indeed has it always been okay, for a minister to refuse a request during an adjournment on behalf of another minister without having asked that minister first?

Mr Davis — Further to the point of order, President, whilst on one level it is technically correct that the discharge occurs at the time, we have actually been down this path in the past. Mr Theophanous some years ago began the practice of seeking to immediately discharge adjournments at the time. That became a very difficult period for both the opposition and the government. Indeed, when there was some broader community interest, if I can put it that way, in the matter of the mistreatment of the adjournment at the time, the government at the time then decided to reverse its stance on this.

I think the point here is that whatever the technical aspect, there is good practice here. The seeking of

information and the seeking of actions by local MPs on behalf of their constituents is an important part of democracy. If that is subverted in any way, that is deeply problematic. I think it would behove everybody to think about whether we want to adopt a practice where ministers can in effect flick an adjournment and discharge it, despite the clearly democratic intent of the member raising it.

Mrs Peulich — On the point of order, President, I do recall some of that debate from previous parliaments — in fact I think Mr Lenders, a previous Leader of the Government, took to the practice of discharging matters that were raised for other ministers. I in principle and in practice believe that that is not the appropriate call because I believe that the minister who does not have responsibility for a portfolio should not have the authority to discharge the matter. I am not sure if the matter was considered by the Procedure Committee at the time. If it was not, I urge that matter to be considered, because indeed the adjournment debate could be entirely abused and members' rights denied by a minister routinely discharging all matters that are raised with him or her for various ministers as an ongoing practice. I do not believe its intent was to give that sort of power to the minister on duty — simply on duty — and I do not believe it is very good parliamentary practice. It is potentially very, very subject to abuse, and if the Procedure Committee has not given this matter detailed consideration, then can I urge that you do so.

Mr Dalidakis — On the point of order, President, notwithstanding your ruling, in direct response to the claims made by Mr Davis, as the minister on duty last night I in fact sent all of the adjournment items through bar one, and for that one I did not because I provided a substantive answer saying that communication, consultation, had not begun in the area he was seeking from the minister concerned. I dealt with the matter in discharging the duty in a substantive way. I did not dismiss it out of hand.

The PRESIDENT — Order! I am interested in the course of these points of order because I think that they are relevant points on this occasion. I particularly go to Mrs Peulich's point of order, which I actually agree with and would uphold. I think the appropriate course of action is that the Procedure Committee does give some consideration to our process with regard to adjournment matters. Mr Davis has referred to the practice of the house in terms of a technical position, and I think there are some grounds for that in respect of previous rulings by presidents, and indeed there are a couple there given by a bloke called Atkinson when he was a deputy — he was obviously playing above his weight.

Ms Shing interjected.

The PRESIDENT — I cannot reflect on the deputy chair?

Ms Shing — That's entirely unparliamentary I would submit, President.

The PRESIDENT — So is talking while the President is on his feet. But at any rate those rulings have established that there has been, perhaps to the chagrin of the house, a practice where ministers have discharged matters. I think it is appropriate that we do consider that. Also — and Mr Davis is particularly conscious of this, as am I — in the not-so-distant past we actually had all of the ministers available to the chamber to respond to matters on every night rather than the process of having a minister on duty, which is a more recent practice. I think that the protocols around the adjournment debate would be worthwhile considering in the Procedure Committee.

In respect of the matter that was discharged, I am now a little troubled that I hear that the actual request was for the minister to visit the electorate, to attend. I do find it hard and in fact would myself resent it, notwithstanding that there might have been an explanation of process about what was happening with that matter, if somebody discharged an invitation that I had not even seen. Irrespective of the explanation that might well have —

Mr Davis interjected.

The PRESIDENT — Mr Davis, 15 minutes.

Mr Davis withdrew from chamber.

The PRESIDENT — I will not have people talk while I am on my feet. We all know the rule. Dr Ratnam has probably already picked that up from the standing orders within moments, so I do not know how a member who has been here for a long time does not know that when I am on my feet you do not talk.

In the case of this one it might well be that Mr Dalidakis actually discharged the wrong matter, in so much as an invitation to the minister ought to have gone to the minister as a matter of courtesy rather than being discharged by way of an explanation. As I said, if it was in my position, I would not want somebody to be declining an invitation made to me if I had not had the chance to see it.

I think that we have learned something from last night. Perhaps Mr Dalidakis might consider informally bringing that matter to the attention of the Minister for Public Transport subsequently in respect of the invitation. Notwithstanding that, as I understand it, an explanation of the process involved with this consultation was adequately conveyed to the house last evening.

Mr Jennings — It is not my intention for this matter to proceed at great length within the chamber today or indeed to be considered by the Procedure Committee at great length. Can I say that I was quite comfortable with your original direction to the chamber in relation to this matter. The veracity of the position that has been put by those opposite, contrary to the actions of my ministerial colleague, relies on what they believe to be the source of his information, which came to him in the running of this matter, and whether in fact he had any ability to be able to discharge the matter based upon the advice he had obtained.

Sometimes you can get advice instantaneously. There are devices in the chamber that enable us to communicate with other people outside the chamber and get advice on the running. I am not wanting to investigate this matter, but I just want to confirm that the government does not have any difficulty with the description and the direction that you gave when you rose to discuss this matter at the very beginning today.

CONSUMER UTILITIES ADVOCACY CENTRE

Report 2016–17

Mr DALIDAKIS (Minister for Trade and Investment), by leave, presented report.

Laid on table.

PAPERS

Laid on table by Clerk:

Adult Parole Board of Victoria — Report, 2016–17.

Albury Wodonga Health — Report, 2016–17.

Alexandra District Health — Report, 2016–17.

Alfred Health — Report, 2016–17.

Alpine Health — Report, 2016–17.

Ambulance Victoria — Report, 2016–17.

Asset Confiscation Operations — Report, 2016–17.

Austin Health — Report, 2016–17.

Bairnsdale Regional Health Service — Report, 2016–17.

Ballarat General Cemeteries Trust — Minister's report of receipt of 2016–17 report.

Ballarat Health Services — Report, 2016–17.

Barwon Health — Report, 2016–17.

Bass Coast Health — Report, 2016–17.

Beaufort and Skipton Health Service — Report, 2016–17.

Beechworth Health Service — Report, 2016–17.

Benalla Health — Report, 2016–17.

Bendigo Cemeteries Trust — Minister's report of receipt of 2016–17 report.

Bendigo Health Care Group — Report, 2016–17.

Boort District Health — Report, 2016–17.

Calvary Health Care Bethlehem Limited — Report, 2016–17.

Casterton Memorial Hospital — Report, 2016–17.

Castlemaine Health — Report, 2016–17.

CenITex — Report, 2016–17.

Central Gippsland Health Service — Report, 2016–17.

Cobram District Hospital — Report, 2016–17.

Cohuna District Hospital — Report, 2016–17.

Colac Area Health — Report, 2016–17.

Commission for Children and Young People — Report, 2016–17.

Commissioner for Privacy and Data Protection — Report, 2016–17 (*Ordered to be published*).

Community Visitors — Report, 2016–17 (*Ordered to be published*).

Consumer Affairs Victoria — Report, 2016–17 (*Ordered to be published*).

Country Fire Authority — Report, 2016–17.

Dental Health Services Victoria — Report, 2016–17.

Djerriwarrh Health Services — Report, 2016–17.

Eastern Health — Report, 2016–17.

East Grampians Health Service — Report, 2016–17.

East Wimmera Health Service — Report, 2016–17.

Echuca Regional Health — Report, 2016–17.

Edenhope and District Memorial Hospital — Report, 2016–17.

Emergency Services Telecommunications Authority — Report, 2016–17.

Environment Protection Act 1970 — Notice pursuant to 18D in relation to the Waste Management Policy (Resource Recovery Facilities).

Essential Services Commission — Report, 2016–17.

Forensic Leave Panel — Report, 2016.

Gippsland Southern Health Service — Report, 2016–17.

Goulburn Valley Health — Report, 2016–17.

Geelong Cemeteries Trust — Report, 2016–17.

Greater Metropolitan Cemeteries Trust — Report, 2016–17.

Greyhound Racing Victoria — Report, 2016–17.

Health and Human Services Department — Report, 2016–17.

Health Complaints Commissioner — Report, 2016–17.

Health Purchasing Victoria — Report, 2016–17.

Heathcote Health — Report, 2016–17.

Hepburn Health Service — Report, 2016–17.

Hesse Rural Health Service — Report, 2016–17.

Heywood Rural Health — Report, 2016–17.

Inglewood and Districts Health Service — Report, 2016–17.

Justice and Regulation Department — Report, 2016–17.

Kerang District Health — Report, 2016–17.

Kilmore and District Hospital — Report, 2016–17.

Kooweerup Regional Health Service — Report, 2016–17.

Kyabram and District Health Service — Report, 2016–17.

Kyneton District Health Service — Report, 2016–17.

Latrobe Regional Hospital — Report, 2016–17.

Legal Practitioners' Liability Committee — Report, 2016–17.

Lorne Community Hospital — Report, 2016–17.

Maldon Hospital — Report, 2016–17.

Mallee Track Health and Community Service — Report, 2016–17.

Mansfield District Hospital — Report, 2016–17.

Maryborough District Health Service — Report, 2016–17.

Melbourne Health — Report, 2016–17.

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns, 30 September 2017 (*Ordered to be published*).

Mercy Public Hospitals Incorporated — Report, 2016–17.

Metropolitan Fire and Emergency Services Board — Report, 2016–17.

Metropolitan Waste and Resource Recovery Group — Report, 2016–17.

Mildura Cemetery Trust — Minister's report of receipt of 2016–17 report.

Monash Health — Report, 2016–17.

Moyne Health Services — Report, 2016–17.

Nathalia District Hospital — Report, 2016–17.

Northeast Health Wangaratta — Report, 2016–17.

Northern Health — Report, 2016–17.

Numurkah District Health Service — Report, 2016–17.

Omeo District Health — Report, 2016–17.

Orbost Regional Health — Report, 2016–17.

Otway Health — Report, 2016–17.

Parks Victoria — Report, 2016–17.

Peninsula Health — Report, 2016–17.

Peter MacCallum Cancer Centre — Report, 2016–17.

Police Registration and Services Board Report, 2016–17.

Portland District Health — Report, 2016–17.

Queen Elizabeth Centre — Report, 2016–17.

Queen Victoria Women's Centre — Minister's report of receipt of 2016–17 report.

Racing Integrity Commissioner — Report, 2016–17.

Radiation Advisory Committee — Report, 2016–17.

Residential Tenancies Bond Authority — Report, 2016–17.

Robinvale District Health Services — Report, 2016–17.

Rochester and Elmore District Health Service — Report, 2016–17.

Royal Children's Hospital Melbourne — Report, 2016–17.

Royal Victorian Eye and Ear Hospital — Report, 2016–17.

Royal Women's Hospital — Report, 2016–17.

Rural Northwest Health — Report, 2016–17.

Seymour Health — Report, 2016–17.

South Gippsland Hospital — Report, 2016–17.

South West Healthcare — Report, 2016–17.

Southern Metropolitan Cemeteries Trust — Report, 2016–17.

Stawell Regional Health — Report, 2016–17.

St Vincent's Hospital (Melbourne) Limited — Report, 2016–17.

Subordinate Legislation Act 1994 — Document under section 15 in respect of Statutory Rule No. 95.

Swan Hill District Health — Report, 2016–17.

Tallangatta Health Service — Report, 2016–17.

Terang and Mortlake Health Service — Report, 2016–17.

Timboon and District Healthcare Service — Report, 2016–17.

Treasury and Finance Department — Report, 2016–17.

Tweddle Child and Family Health Service — Report, 2016–17.

Upper Murray Health and Community Services — Report, 2016–17.

VicForests — Report, 2016–17.

Victoria Police — Report, 2016–17.

Victoria State Emergency Service Authority — Report, 2016–17.

Victorian Assisted Reproductive Treatment Authority — Report, 2016–17.

Victorian Commission for Gambling and Liquor Regulation — Report, 2016–17.

Victorian Electoral Commission — Report, 2016–17.

Victorian Health Promotion Foundation — Report, 2016–17.

Victorian Industry Participation Policy — Report, 2016–17.

Victorian Institute of Forensic Mental Health — Report, 2016–17.

Victorian Pharmacy Authority — Minister's report of receipt of 2016–17 report.

Victorian Responsible Gambling Foundation — Report, 2016–17.

Victorian Plantations Corporation — Report, 2016–17.

West Gippsland Healthcare Group — Report, 2016–17.

West Wimmera Health Service — Report, 2016–17.

Western District Health Service — Report, 2016–17.

Western Health — Report, 2016–17.

Wimmera Health Care Group — Report, 2016–17.

Yarram and District Health Service — Report, 2016–17.

Yarrawonga District Health Service — Report, 2016–17.

Yea and District Memorial Hospital — Report, 2016–17.

Youth Parole Board — Report, 2016–17.

PROCEDURE COMMITTEE

Members register of interests

The PRESIDENT (09:53) — Just following on from the commentary before on matters going to the Procedure Committee, another matter that I am planning to bring to the attention of the Procedure Committee for an opinion is whether or not we should effectively have live reporting of the members register of interests updates, rather than waiting for their periodic publication — that is, whether or not it is in the interests of the Parliament and members to update it progressively as members file notifications. That is a practice in some other jurisdictions.

PRODUCTION OF DOCUMENTS

The Clerk — I have received the following letter from the Attorney-General relating to the resolution of the council of 18 October 2017:

> I refer to the Legislative Council's resolution of 18 October 2017, seeking the production of the documents required to be tabled by the following resolutions of the Council:
>
> > 8 March 2017 in respect of the new proposed youth justice facility; and
> >
> > 10 May 2017 in respect of the Department of Health and Human Services Public Accounts and Estimates Committee (PAEC) briefing documents.
>
> The Legislative Council's date for production of the documents by noon on 19 October 2017 does not allow sufficient time for the government to respond to the Council's resolution.
>
> While the government has previously responded to similar orders, further time is required for the government to consider whether it will maintain previous claims of executive privilege. This requires the government to obtain fresh legal advice to ensure that any claims of privilege are principled, based on current circumstances.
>
> The government is giving this order priority and will respond in the next sitting week.

GREENS LEADERSHIP

Ms SPRINGLE (South Eastern Metropolitan) (09:55) — I wish to advise the house of the new arrangements for the Greens: Samantha Ratnam as leader; me as deputy leader; Sue Pennicuik as manager of Greens business and whip; Ellen Sandell adds treasury and finance to her portfolios; Sam Hibbins adds the portfolio of integrity; and Samantha Ratnam will assume Greg Barber's portfolios, with the exception of treasury and finance, these being agriculture, ports, regional development, Aboriginal

affairs, employment and industrial relations, industry and trade.

MINISTERS STATEMENTS

Victorian Training Awards

Ms TIERNEY (Minister for Training and Skills) (09:58) — I rise this morning to talk about the Victorian Training Awards. I had the pleasure and the privilege of presenting our training awards to vocational education and training (VET) students, teachers, training providers and employers, recognising and honouring their outstanding achievements. These awards showcase not only the outstanding efforts of so many individuals and organisations but also the fantastic training and skills development underway in Victoria, all backed by a government that cares deeply about training and TAFE, which we know are critical to driving our state's productivity and growth.

I take this opportunity to congratulate all finalists and winners, but in particular I wish to mention the winner in the category of Victorian Koorie Student of the Year. That was awarded to Tracy Mollison. Tracy Mollison has faced enormous adversity throughout her life, and this award is greatly deserved. Tracy has studied a number of certificates at SuniTAFE, including a certificate IV in training and assessment. Tracy, whose parents were fruit pickers, was sent to about 36 different schools. She decided that she would go back and have post-school training and education, and by doing so would be a beacon and an authority to her family in demonstrating that it can be done.

Tracy has undertaken these certificates whilst working in the home, raising five children and also assisting and raising her many grandchildren. She has also juggled paid employment as well. I met Tracy for the first time only a couple of weeks ago, when I was in Mildura at SuniTAFE to make some announcements. She desperately wanted to be there and made her way there, even though she had only just been released from hospital some three days earlier after recovering from a very serious illness. She wanted to be there to share with me and those around her the great pride and joy that she has for the SuniTAFE Victorian certificate of applied learning (VCAL) students who she led to landscape and plant the courtyard of its Indigenous training centre.

Tracy is a testament to all students in our VET sector who have faced adversity every day. She is also a testament to SuniTAFE, who have supported Tracy to complete her training. I am very proud of our TAFE and training system, which is helping people like Tracy further themselves, giving them the skills they need for the jobs that they want.

MEMBERS STATEMENTS

Turi Trust Gala Ball

Mr ONDARCHIE (Northern Metropolitan) (10:02) — On 7 October I had the pleasure of joining Turi Foods, one of the companies in my area of Northern Metropolitan Region, for their Turi Trust Gala Ball. They take a very serious approach to raising money as a company and also through their employees to support a range of charities that could do with some support. They have supported Amaze, Barwon Health, The Humour Foundation clown doctors, Cottage by the Sea, Insight Education Centre for the Blind and Vision Impaired, Northern Health, The Reach Foundation, Redkite, the Smith Family, Very Special Kids and Whitelion, but this evening was dedicated to supporting people in Cambodia with a range of things, not just education but from a health perspective as well. It was a great evening that I had the privilege of attending with members of the Northern Health staff and of course people from the City of Whittlesea, including their mayor, Cr Ricky Kirkham.

Cr Ricky Kirkham

Mr ONDARCHIE — On another matter I wish to congratulate Cr Ricky Kirkham for hosting the mayoral community thankyou dinner on Saturday, 14 October, and for the year he has undertaken as mayor of the City of Whittlesea. He is a very active, strong young man, and he is supporting all elements of his community from all the wards as well. Despite the challenges he has around the council table, this is a man who is absolutely committed to outcomes for his community.

Mr Finn — Hear, hear!

Mr ONDARCHIE — He has been very supportive of initiatives by the government and the former government in supporting the people of Whittlesea. It is inappropriate that members of the government have taken to him to criticise his great work when he has stood up purely and simply for the people of his community. The government runs scared in the City of Whittlesea.

Apology for past forced adoptions

Ms SHING (Eastern Victoria) (10:03) — I rise to pay tribute today to all of the mothers who were affected in relation to past forced adoption policies, on this anniversary of the forced adoption apology that

was given on 25 October 2012. On that day the Victorian Parliament formally apologised to the mothers, fathers, sons and daughters affected by past forced adoption practices in Victoria, and acknowledged that from the 1950s to 1970s many thousands of Victorian babies were taken from their mothers without informed consent and that this loss caused immense grief that is still felt to this day.

In this respect I pay tribute to people within Gippsland, including Brenda Coughlan and others, who work tirelessly to raise awareness and to try to heal the wounds that persist to this day. What happened was part of the systematic breaches of the legislation at the time. It was facilitated by social policy, religious authorities and the unspoken but understood public mores of society. It was the nation's shameful secret and it was wrong. I am glad that Victoria apologised, and I am glad that we can again acknowledge it today.

Over the years as members of Parliament we have seen and had the opportunity to meet and speak with many women who were affected by these terrible practices — women who were forced to give up their babies — and it is clear to us that whilst these adoptions occurred a long time ago, in fact many decades ago, the effects of relinquishment are long-lasting. What we do see is the importance of acknowledging the important work of all agencies who support and advocate for those affected by past adoption practices, including mothers, fathers and adults who were adopted as children.

Mr Barber

Ms PENNICUIK (Southern Metropolitan) (10:05) — Greg Barber has gone fishing. On behalf of my Greens parliamentary colleagues and the thousands of Greens members with whom he has worked and supported over the years, I would like to thank him for his immense contribution to the Greens and to green politics. Greg's love for nature and the creatures we share the planet with led him to study biology at La Trobe University, and he also has a master of business administration from the Melbourne Business School.

While at La Trobe, he invited Bob Brown to speak to students, and they have remained close since then. There is a great photo of Bob and Greg with a mullet haircut from those days. Bob was a great inspiration to Greg, as were Christine Milne and Greens leaders from New Zealand Rod Donald and Jeanette Fitzsimons, amongst many others. Margaret Blakers was a great mentor to him.

Greg was very active in the campaigns against logging native forests in East Gippsland, where he was arrested, and against duck shooting. He and I still attend the wetlands every year to protest against duck shooting.

Greg joined the Greens not long after it was formed in Victoria. He was part of a very small group of highly committed people who worked tirelessly to build the party virtually from the ground up. He was the first Greens mayor in Australia at Yarra City Council, which he names as one of his proudest achievements.

Greg has a brilliant mind and is a strategic thinker; he is always thinking and planning ahead. He was elected to this chamber along with Colleen Hartland and me in 2006, and as leader from 2010 and 2014 he was a driving force behind the election of four new Greens MPs to this Parliament in 2014 and the election of a growing number of Greens councillors across Victoria. Greg spent a great deal of time in regional Victoria visiting our members there, talking to farmers and small business people and campaigning against coal seam gas and for renewable energy.

We thank Greg for his vision, commitment and sheer hard work for more than two decades of building the Greens in Victoria — for inspiring, encouraging and mentoring so many people over those years. We thank him for his advice and support before and since we were elected to state Parliament. Greg has made a massive contribution to green politics, and we will miss him. We wish Greg and his family all the best for the future and hope he gets to see some of the rare bird species that are still on his list.

Mr Barber

Mrs PEULICH (South Eastern Metropolitan) (10:07) — I must say that I will probably miss Mr Barber.

Honourable members interjecting.

Mrs PEULICH — I will miss him. At least one could actually engage in a little bit of intelligent debate with him, even though we were at polar opposites on many of the issues.

Diwali festival

Mrs PEULICH — I also take the opportunity of wishing our Hindu and in particular our Indian communities a very happy Diwali, which actually falls today. It is a very popular festival celebrated right around the world and is getting bigger here in Victoria. I attended the Federation Square launch where, of the 500 000 Indians who now reside in Australia, many

thousands were present. It was a huge success. Also, locally at Tattersall's at Springers Leisure Centre there were thousands of people who came out to celebrate this important Hindu festival which recognises that goodness prevails over evil — and may that long continue in life.

Stephen Hartney

Mrs PEULICH — Last week was Mental Health Week, which was marked between 8 and 14 October. It was also a time in which I learned of the very sad passing in tragic circumstances of a dear friend and longstanding Liberal, Stephen Hartney, former Liberal candidate for Mordialloc and Chisholm. I wish to extend my own condolences to his family and his very many friends. It was one of those things that happened that should not have happened. I think it was ominous that it happened during Mental Health Week. It draws to our attention the need to support people with mental health issues and mental illness and to increase the services that are available to them around times of weakness and vulnerability.

Zoe Dalidakis

Mr DALIDAKIS (Minister for Trade and Investment) (10:09) — When I first came into this place in my maiden speech I talked of putting my family first as much as I could, but unfortunately we all have learned that being in here takes great sacrifice, often from our family. So it is with great pleasure that I use my time in my members statement today to acknowledge that my baby girl, born on 6 August 2005, this week will undertake her bat mitzvah, a very special moment for our family — a special moment that we can share with her and a time in which I can reflect that for her it is a coming of age within Judaism, of course, but more importantly I can acknowledge and see the growth that my daughter has had while she has been undertaking studies over the last 12 months. It is a very special time for her. It is a very special time for the family. I think she has become a wonderful young lady. I am very proud to see the growth that she has had. I am very proud to see the path that she has taken. She has a very strong sense of social justice. I have no doubt that she will continue to forge her way in the world as she looks to high school next year as well. I just wish to let her know that her mother and her father love her very much and wish her the very best.

Buchan bushfire

Mr BOURMAN (Eastern Victoria) (10:10) — Recently I went to Bairnsdale and Buchan to talk to Department of Environment, Land, Water and Planning (DELWP) firefighters regarding a very early season bushfire just outside Buchan. The fire being on public land meant that the lead agency was DELWP rather than the CFA, as I would normally have expected, even though they were there to help. The DELWP office in Bairnsdale was the headquarters for the firefighting effort, and DELWP staff, along with CFA staff, were organising and directing the firefighting. When I got to Buchan I had a chat to the team at the fire station and was filled in on the tactical details of the firefighting effort. Well done to the crews at DELWP and CFA for such a professional effort. As they predicted, the fire is now contained.

New South Wales by-elections

Mr BOURMAN — On the weekend my colleagues in New South Wales contested a couple of by-elections in the seats of Murray and Cootamundra up north of Victoria. The Shooters, Fishers and Farmers Party team managed to shave 10 per cent off the margin in Cootamundra and a whopping 18 per cent off the Murray margin. These seats were safe Nationals seats and had been for a long time. For the edification of some of my colleagues who do not understand the idea, the New South Wales Nationals and the Greens voted for further restrictive laws on law-abiding shooters and just as mystifyingly voted for the ban on greyhound racing. We were trying to keep you both out. Well done to Helen Dalton, Matthew Stadtmiller and the New South Wales Shooters, Fishers and Farmers team for a great effort.

City of Port Phillip closed-circuit television cameras

Ms FITZHERBERT (Southern Metropolitan) (10:02) — I rise to note a recent success of CCTV cameras in Fitzroy Street, St Kilda. Footage recently captured a very violent assault when two people were stabbed at a venue in Fitzroy Street. Port Phillip police inspector Jason Kelly has said:

> The cameras captured it all, we were able to quickly rewind and see what happened, identify witnesses and identify the offender.

The footage was released publicly, and the accused was quickly identified by a member of the public after a public appeal. He has been charged with multiple offences. Inspector Kelly said the cameras were a success, and I am very, very pleased to hear that report. That is consistent with the feedback that I have had locally as well.

It should not have taken so long to get CCTV cameras on Fitzroy Street. They were strongly opposed by City

of Port Phillip councillors — not all of them, but some — and in particular by the Greens, who opposed this for a number of years despite the pleas from traders and police that they be installed. When they were installed in December of last year they immediately failed, and it took several months for them to be fixed properly. I understand, however, that they are now working. I believe that we should have more CCTV cameras elsewhere in the City of Port Phillip, and I urge the City of Port Phillip councillors to get behind this.

Cadbury Ringwood plant

Mr LEANE (Eastern Metropolitan) (10:13) — On Saturday Dee Ryall, the member for Ringwood in the Assembly, and I cut into an enormous Cherry Ripe — something that we do not regularly do. It was to celebrate 50 years of Cadbury producing fine confectionery in their Ringwood plant. The factory currently employs 600 people, with 200 people as auxiliary workers. It is a fantastic ornament to the east — the President would agree with that — and a great place to supply so much employment, confectionery and Easter eggs. What is there not to be happy about in that?

Mr Barber

Mr LEANE — On another matter, I also want to pay tribute to Greg Barber, who is going fishing. I wish him very well in going fishing. I always have a lot of respect for people who go very hard in this place. Considering the mode of democracy that we have, we should be contesting ideas and issues passionately and actually believe in what we are saying, and Mr Barber was one of those people. I learned in the early days not to enjoy too much the whacks he would give to the Liberal Party, because I knew there would be a whack for the Labor Party coming directly after. So good luck. I hope he catches a lot of fish and has a fantastic time as he has managed to escape this place.

Energy prices

Ms CROZIER (Southern Metropolitan) (10:15) — What a shocking indictment of the Andrews government that too many Victorians are struggling to pay for their energy bills, and too many are accessing financial relief because they cannot afford to pay their utility bills. Under Daniel Andrews, despite the increase in taxes of over 20 per cent, the cost of living is skyrocketing. Victorians are rightly questioning: why would a government shut down a part of our energy supply, Hazelwood, with no immediate plan to replace that baseload requirement? Daniel Andrews is denying Victorians a fair go by his actions and his policy decisions, and putting the livelihood and livability of thousands of Victorians at risk. What is more, he is not only a risk but he has no answers, just rhetoric and blame. Victorians need more than rhetoric and the excuse of blaming others; they need solutions to this energy crisis that Daniel Andrews has created. All Victorians should be very alarmed that, according to the Australian Energy Market Operator, Victoria is already facing a 50 per cent drop in gas supply by 2021 — that is just a little over three years away — which would result in more shortages and even higher energy prices. The ineptitude of the Andrews government in failing to understand the impacts of their policies such as a 40 per cent Victorian renewable energy target, shutting down Hazelwood and importing gas from other jurisdictions is extraordinary.

In contrast I, like many of my colleagues, have been out speaking to businesses and families, understanding that their energy bills are only going one way — and that is up. This is putting pressure on their ability to keep their businesses operating and people employed and pay for their everyday costs. I am pleased to be part of the coalition. If elected, under a Guy government onshore conventional gas exploration — not fracking — would occur, making gas in Victoria more affordable.

Hawkers Beer

Ms PATTEN (Northern Metropolitan) (10:17) — I am very pleased to inform the house that my electorate of Northern Metropolitan Region is home to the world's best beer. Last Friday I was given a tour of Hawkers Beer brewery in Reservoir, which was recently named supreme champion brewer at the prestigious International Beer Challenge in London.

Hawkers was founded by Mazen Hajjar. He started with four staff in 2015, and in that year produced an impressive 3 million litres of beer. Today he employs 33 full-time staff, and this year he will brew 6.5 million litres of beer to be exported worldwide, including to China, Hong Kong, Singapore and Sweden — and even Marks & Spencer will be stocking his beer this year.

Hawkers has invested in state-of-the-art plant, equipment and processes, including 190 solar panels on their roof, which provides 60 kilowatts of power, and that is 40 per cent of their electricity requirements. Mr Hajjar would put up more, but the law limits him to 60 kilowatts of power. He produces only two standard green bins of waste per week, and feeds hundreds of local cows. Craft beer is the largest growth industry in Australia, and I encourage the government to advocate for a fair tax system for craft beer breweries.

Ms Shing — More opportunities for cows.

The PRESIDENT — That sounds very good, but I am a bit worried about drunken cows, the prospect of that.

Cancer Council Victoria Traralgon branch

Ms BATH (Eastern Victoria) (10:19) — Since 2011 the Traralgon unit of Cancer Council Victoria has held an annual high tea fundraiser. This year's event, on 20 August at the Premier Function Centre in Traralgon, raised an magnificent total of $20 100. In fact since 2011 the Traralgon group have raised a total for cancer research and prevention of $108 000. This is an outstanding amount for a small group of people. I would like to make special mention of the secretary, Val Kennedy, and the dynamic Kaye Jones, who do a tremendous job in making the event happen and making sure everyone has a most enjoyable day.

Barry Sheene Tribute Ride

Ms BATH — This year marks the 15th anniversary of the Barry Sheene Tribute Ride. Members will recall the name Barry Sheene, MBE, the British motorcycle world champion who immigrated to Australia back in the 1980s. The Australian Grand Prix Corporation, in consultation with the Sheene family, came up with the idea of honouring Barry with a tribute ride that starts in Bairnsdale every year and ends at the grand prix circuit at Phillip Island. The ride also incorporates a dinner at the Bairnsdale RSL, and funds are raised for charity. Nearly 10 000 riders have taken part in this ride since 2003. I would like to congratulate the Bairnsdale RSL for facilitating this event, hosting the auction and doing such a great job for charity.

Deakin University Warrnambool campus

Mr PURCELL (Western Victoria) (10:20) — It was my pleasure last Thursday to attend in Warrnambool the Deakin University launch of its food and agribusiness degree. Our hardworking federal member, Dan Tehan, launched the program. Big congratulations must go to Warrnambool campus manager Alistair McCosh for getting this course started.

The day was a celebration of a new major in food and agribusiness, which has been introduced to meet the growing demands from this sector in the region. Two of the region's largest food and agribusiness employers have thrown their support behind the Deakin University course. Warrnambool Cheese and Butter and the Midfield Group have provided scholarships for students studying the new bachelor of commerce, food and agribusiness. The major will help meet regional and national demand for skilled employees, while drawing on the region's food and fibre strengths.

During the ceremony Mr McCosh commented that offering an agriprogram in one of the major agriculture sectors in regional Australia makes sense. I am pleased to have played a small part in getting this ag course in place at Warrnambool, and I offer my best wishes to the university and all students.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REAL-TIME PRESCRIPTION MONITORING) BILL 2017

Second reading

Debate resumed from 17 October; motion of Ms MIKAKOS (Minister for Families and Children).

Ms MIKAKOS (Minister for Families and Children) (10:22) — During the course of the debate on Tuesday I was seeking to respond to issues raised by members during the course of the second-reading debate, and in the short time I have available to me I will seek to get through the remainder of those issues to make the passage of this debate as efficient as possible. I make the point also that I responded on Tuesday to Ms Patten's concerns around the availability of alcohol and drug services, so I believe I have responded to that particular concern.

There were also issues raised around the need for integration with doctors' software, and I understand that the Australian Medical Association (AMA) has raised this as an issue as well. We are committed to making this system as seamless as possible. We recognise that prescribers and pharmacists are very focused on the need for the system to be integrated with medical and pharmacy software so that there is minimum impact on workflow when viewing a patient's record. The commonwealth software currently does not integrate with practice software. The system we will build will be based on more contemporary technology that will better support future business needs, such as increases in the volume of data as well as ensuring minimal disruptions to clinicians' workflow. We will work with medical and pharmacy organisations as well as software vendors to ensure we can achieve the best result possible.

Ms Wooldridge in her contribution sought a breakdown of the budget allocation in the 2016–17 budget. I can

advise that of the $29.5 million allocated, $22.5 million will go towards IT costs over four years, and this includes system design and build, and integration with the existing drugs and poisons information system; and $7 million will be allocated towards workforce support initiatives over four years, including prescriber and pharmacist training, the GP champions initiative, minor enhancements to the alcohol and other drug treatment sector and a public awareness campaign and communications.

There is also ongoing funding provided of $2.8 million. This will go towards maintaining the IT system, resources for officers in the drugs and policy regulation area in the department to monitor compliance, and ongoing workforce initiatives, such as maintaining the network of GP champions and enhancements to alcohol and drug services.

The final issue that was raised was from Ms Bath, and it related to issues to do with rural communities. I can advise that several studies suggest that rural and regional areas are being disproportionately affected by prescription medicine misuse, and these communities will therefore significantly benefit from initiatives such as real-time prescription monitoring that aims to reduce the associated harms. Limited access to a range of services, including pain management, addiction and medicine specialists, reinforces the importance of delivering workforce training and support initiatives to focus on strengthening the ability of primary healthcare clinicians in those areas to respond to patients identified as being at risk of prescription medicine misuse.

The training will be led by the Victorian primary health networks, which have good local presence in rural and regional areas. Localised referral pathways will also be developed as a component of this training. The real-time prescription monitoring external advisory group includes representation from the Rural Doctors Association of Victoria and the Victorian primary health networks. The Department of Health and Human Services will work with these and other relevant stakeholders to ensure that the system is effectively implemented in rural and regional communities.

I take this opportunity to congratulate the Minister for Health on introducing what is groundbreaking legislation in our state in relation to real-time prescription monitoring. I hope I have acquitted all the issues that were raised during the course of the debate. I believe I have addressed the key issues, but I am happy to take any further questions that might exist in relation to this matter in the committee stage.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms WOOLDRIDGE (Eastern Metropolitan) (10:29) — Thank you very much, Minister, in relation to responding to a number of those questions; that is greatly appreciated. You have dealt with some of the issues that I have, which is exceptionally helpful. As you outlined as well, in terms of progressing things, I did have a few further questions and a couple of others to go through today. Could I start on the funding, because you mentioned that in the first half of your summing up on Tuesday and then in your summing up again, just so the sector and I can have some clarity in relation to the numbers. I had a response from the Minister for Health's office along the lines of the response that you have given today about the $22.5 million for the IT system. What I was told was that workforce support and public awareness was $7 million. Now, what you have said today is there is $2.8 million ongoing in relation to maintenance of the database in the department and workforce initiatives and those sorts of things.

Similarly, in your contribution on Tuesday you talked about $916 000 over four years plus recurrent funding of $416 000 per year in terms of treatment services. I suppose I am just trying to fit all this together, and perhaps if I pose a number of questions, that might clarify it. Is the money you raised on Tuesday separate from the $29.5 million? That may have been allocated under a different line item. That is question number one.

The second question then is this idea that there is $916 000 over four years plus recurrent funding of $416 000 per year. Does that mean the $916 000 was capital? I do not understand why one is described as per year funding and another one is a total amount over a four-year period — just the relationship between those numbers. That goes back to the question about the $2.8 million ongoing and how that relates to the advice that I had from the minister's office that it was $7 million in terms of the workforce support and public awareness. Now presumably that $2.8 million might be a subset of it that aggregates over time — so just how I reconcile those numbers.

Ms MIKAKOS (Minister for Families and Children) (10:33) — I thank the member for her question. I can advise that the $916 000 over four years that I referred to on Tuesday is part of the $7 million over four years that is allocated in the budget. When I did refer just before to the $7 million, I did say that is $7 million over four years. That is in the budget. Then there is $2.8 million in ongoing operational costs. Essentially they are from year five onwards going into the out years. Of that $2.8 million, $416 000 per year has been allocated towards minor enhancements to the alcohol and other drugs (AOD) treatment sector to respond to any increase in patients being referred for addiction to prescription medicines.

Ms WOOLDRIDGE — So if I get this right then, for the next four years there is the $22.5 million for the IT system and $7 million, which includes $916 000 over four years, for the AOD system. Then from year five onwards it is the $2.8 million ongoing, which would include the $416 000 ongoing and recurrent?

Ms MIKAKOS — If I can just add to that, obviously there is a larger amount in year five and the out years allocated to supplementing or providing these enhancements to AOD, because as this ramps up obviously it is anticipated that there will be a greater need for it.

Ms WOOLDRIDGE — Thank you, Minister. That helps. In the 2016–17 Victorian budget, where the original $29.5 million was allocated, it actually had $12.4 million allocated for 2016–17 and $8.8 million allocated for 2017–18. Given that really we only got the legislation now — and I understand the IT procurement is currently happening; that was certainly what I was advised during the briefing — could you advise how much of the $12.4 million in 2016–17 was spent? Presumably what has not been spent has then been allocated into subsequent use.

Ms MIKAKOS — I thank the member for her question. I am advised that the vast majority of the $12.4 million allocated in 2016–17 has been carried forward. I do not have the precise figure of how much has been expended to date, but I understand that most of it has been carried forward. The reason for the delay, as the member would understand, is that we were engaged in discussions with the commonwealth about the system and trying to work through these issues with the commonwealth. On discovering that their system was not going to be fit for purpose for our needs, that changed and delayed our procurement approach. That has been the reason for the delay.

Ms WOOLDRIDGE — Thank you, Minister. When I was briefed on the bill, which was over two months ago now, I was advised that you were actually out doing the tender process as we were being briefed. Are you able to give an update in relation to the tender — and presumably some of this legislation helps with the conclusion of that — and whether that has been concluded yet, so then this work can get underway?

Ms MIKAKOS — I can advise the member that the procurement process is very well advanced. The government is hopeful that it will make an announcement soon. The member would fully appreciate the difficulties in talking about procurement processes in any detail in a public manner, but certainly the process is very well advanced.

Ms WOOLDRIDGE — One of the things that has been raised by the Australian Medical Association is the view that the software — and thank you for addressing the issue of the interoperability nationally — should be integrated with common practice medical software to make this as easily accessible as possible. I am wondering if you could just articulate for the committee what your expectation is in relation to the integration with existing software that the pharmacists and the doctors use?

Ms MIKAKOS — I did seek to address this issue in my summing up just before, but I am happy to go to that issue again. The point I was making earlier was that the commonwealth software does not currently integrate with practice software. That has been the stumbling block to us participating in their proposal. We recognise that prescribers and pharmacists are very focused on a desire to have an integrated system so that there is minimum impact on workflow and viewing a patient record. The system we are building will be based on more contemporary technology that better supports future business needs, such as increases in the volume of data, and ensures minimal disruption to clinicians' workflow. We are obviously very conscious of this issue. We will be working with medical and pharmacy organisations as well as software vendors to ensure we can achieve the best result possible.

Ms WOOLDRIDGE — Minister, in a response to an adjournment matter on this exact issue, the real-time prescription monitoring issue, the minister did say that the government signed up to the commonwealth software to support the system. Obviously in that process — this was back from the 2015–16 budget — the decision was then taken not to use the commonwealth software. I am just wondering if you

could give us a little insight into whether Victoria actually trialled the software, having signed up to it. What happened as a result of signing up? Did we actually trial it, or did we sign up and then make a decision that we were not going down that path?

Ms MIKAKOS — I thank the member for her question. I should start by explaining that there is real-world experience in terms of the commonwealth model in Tasmania. It is in fact the Tasmanian system that has been picked up by the commonwealth. Looking at the Tasmanian experience formed our views about its unsuitability. Victoria did not have visibility of its functionality until we signed with the commonwealth. We then looked at the requirements of clinicians against what the commonwealth was offering and essentially came to the conclusion that the commonwealth system was not up to scratch.

Ms WOOLDRIDGE — Could you please outline for me what the trigger for codeine coming onto the scheme will be? We know that codeine will be delayed beyond February 2018 if the scheduling happens as is expected, and then the scheme comes on board on 1 August. Certainly all the feedback, including your own, has been that that will come on at a later time, but I am wondering what that trigger is. The language has been 'When the system has settled down'. What would be the expectation of what the trigger will be for codeine being considered and then incorporated into the scheme?

Ms MIKAKOS — I thank the member for her question. On Tuesday in my summing up I referred to the intention that codeine be included in real-time prescription monitoring. The Therapeutic Goods Administration decided late last year to reschedule over-the-counter medicines containing codeine to prescription-only medicines from February 2018 as a measure to reduce the harms from codeine misuse. I think I alluded at that time on Tuesday to there having been a bit of push back to the commonwealth to reconsider this issue, and it is an issue that we are monitoring closely. We will consider any implications to the extent that codeine is captured in the system.

Obviously we are working on the assumption at this point in time that it will be added to the list of drugs to be monitored, and obviously it would need to be subject to its own regulatory change at that time. The intention of the government, if it is proceeded with and added to that list, is for this to come within scope as soon as is possible, but we are mindful of working through these issues with stakeholders, and there will need to be a lead-up time both to enable the regulatory change to happen and to work through any issues of concern with stakeholders. That might require an additional time period of six to 12 months after the February 2018 date.

Ms WOOLDRIDGE — My last question is if you — and I did get some information from the briefing, which was very useful — could outline information about the rollout. We know the rollout is going to happen over the 18-month grace period, but if you could just provide the house with some information in relation to geography and timing over that 18-month period in relation to how we can expect that to roll out across the state once it is put into place.

Ms MIKAKOS — I thank the member for her question around implementation issues. I can advise that it is our current intention to do this by geographic area. No final decision has been made as yet, but the current intention is to look at primary health networks. The intention is to have the first phase of the rollout start from September to October of next year in a primary health network or other appropriate geographic area, to evaluate that and to make any necessary adjustments based on the learnings from that before there is a further rollout. Consideration will be given, in terms of determining those initial locations, to factors such as the strength of professional networks in that location and the suitability of the base technology that doctors and other clinicians might well have.

Clause agreed to; clauses 2 to 19 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Ms MIKAKOS (Minister for Families and Children) (10:57) — I move:

That this bill be now read a third time.

I thank the other members for their contributions and their support of this groundbreaking legislation.

Motion agreed to.

Read third time.

JUSTICE LEGISLATION AMENDMENT (BODY-WORN CAMERAS AND OTHER MATTERS) BILL 2017

Second reading

Debate resumed from 7 September; motion of Ms PULFORD (Minister for Agriculture).

Mr RICH-PHILLIPS (South Eastern Metropolitan) (10:58) — I am pleased to rise this morning to speak on the Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017. I say at the outset that the coalition parties support the bill. We believe that a statutory framework for the use of body-worn cameras by members of Victoria Police, which also includes in the definitions in the bill the use of tablet devices such as iPads and phones with cameras and recording devices, is a reasonable additional tool to be made available to Victoria Police, and accordingly we are going to support the bill.

The bill is quite a small bill which seeks to amend the Surveillance Devices Act 1999 to allow for the use of body-worn cameras and tablet devices to record certain private conversations without a warrant, being conversations which a police officer is not a party to and where the recording of those conversations is incidental to the overt wearing of a camera or carriage of a tablet device.

The bill also amends the Judicial Proceedings Reports Act 1958 to allow for disclosure to prescribed bodies of certain protected identifying information relating to convicted sex offenders. The bill is relatively straightforward in what it seeks to do. The main provisions of the bill are clauses 4 and 5, which allow for the use of body-worn cameras and tablet devices by police and certain other prescribed persons to record private conversations to which they are not a party when the conversations are inadvertent, unexpected or incidental to the course of their duty. Currently the provisions of the Surveillance Devices Act essentially make it an offence for a person to record a private conversation in which they are not a party and create some fairly substantial criminal penalties for doing so. This amendment to section 6 of the Surveillance Devices Act by inserting additional exemptions from the provisions of section 6(1) to provide for the use of these devices by police will allow for material that is collected by these cameras and tablet devices to be used by police in the course of their duties.

Clauses 6 and 7 of the bill extend the definition of protected information under the Surveillance Devices Act to include information obtained through the use of body-worn cameras and tablet devices and make it an offence to communicate or publish this information except for permitted purposes. Clause 8 of the bill allows for the disclosure of information to any prescribed person or body for the purpose of enabling them to perform a prescribed statutory function.

So the provision of this capability to members of Victoria Police by the removal of the current prohibition that exists in the Surveillance Devices Act 1999 is one we believe is appropriate. We believe that cameras and tablet devices are useful tools for Victoria Police in the gathering of evidence but also are probably more relevant to the recording of events and circumstances in which members of Victoria Police find themselves. Many of the environments in which Victoria Police members are required to participate are matters involving conflict and matters involving dispute, often physical dispute and violence, and to be able to use devices to record those events so there is an indisputable record of what happened, who was in attendance and what the events were is a valuable addition to the suite of tools available to Victoria Police.

This is not just from the perspective of Victoria Police being able to use information for pursuing prosecution of criminal matters. It also provides a protection to the parties who engage with Victoria Police as to what occurs during an incident or during an interaction. One of the things we can say about Victoria Police is they have a very strong reputation for integrity in this state, which has stood over a very long period of time. That is not necessarily something that can be said of police forces in other jurisdictions outside of Australia. Barely a month goes by where we do not see stories circulating in the international news, particularly from the United States involving some of their state police and some of their county police, where abuses by those police forces and misconduct by members of those police forces come to public light, often through a camera worn by a police officer or in a vehicle driven by a police officer or recorded by a third party. We have seen certainly in international jurisdictions a number of instances where there has been police misconduct which has been identified by the use of camera technology.

Fortunately that has never been a feature of Victoria Police over a very long period of time, but the availability of this tool will of course provide further certainty for police who may be accused of misconduct that their conduct attending events is recorded and can therefore be used by them to demonstrate there was no misconduct, and where people believe that they have been the subject of misconduct there will also be a

record. So we believe this is a sensible step in providing the list of amendments which will require the Surveillance Devices Act 1999 to allow the use of cameras for the recording of private conversations which would otherwise be prohibited by the current provisions of the Surveillance Devices Act.

The coalition, however, believes the bill does not go far enough. The bill is limited basically to the creation of an exemption for members of Victoria Police against the current provisions of the Surveillance Devices Act. We believe that the same provisions should apply with respect to other first responders. We believe that the provisions should be extended, for example, to people who are custodial officers working within Corrections Victoria and to emergency workers more broadly beyond Victoria Police, including people such as protective services officers, operational members of Ambulance Victoria, people employed by the Metropolitan Fire Brigade, people employed by the Country Fire Authority (CFA) in operational roles or members of CFA brigades in their various definitions, other firefighters who are employed within the Department of Environment, Land, Water and Planning, who of course do a lot of the public land firefighting, and those people who have operational roles within the Victoria State Emergency Service and other emergency management structures. Of course there is the overarching emergency management framework above the individual agencies.

We believe the technology is useful in the gathering of information and providing of a record of what occurs at events, and we believe that is equally as important for other emergency first responders and corrections officers as it is for Victoria Police. The coalition proposed amendments in the other place when this bill was debated in the lower house. The shadow Attorney-General, Mr Pesutto, proposed a suite of amendments which would extend this framework to the other emergency workers and first responders, and it is our intention to pursue those amendments here in the Council. I would ask if those amendments could now be circulated.

Opposition amendments circulated by Mr RICH-PHILLIPS (South Eastern Metropolitan) pursuant to standing orders.

Mr RICH-PHILLIPS — We note that Ambulance Victoria has also recognised the value of body-worn cameras in its operations, and of course regrettably we have seen an increasing number of instances where ambulance first responders have been subject to attacks when they have attended emergency incidents and other call-outs. That has become an increasing feature of their work environment in recent years, and the capacity for ambulance officers to carry and use body-worn cameras to record their attendances, their responses and what reception they receive is an important opportunity.

Accordingly, Ambulance Victoria is currently undertaking a trial, which I understand was announced in December of last year and commenced on a six-month basis in June of this year. So Ambulance Victoria have already commenced their own trial, and what is baffling of course is that the legislation before the house today from the government actually does not provide for that trial. The legislation provides only a framework for Victoria Police and does not pick up a framework which would accommodate Ambulance Victoria.

We believe the fact that Ambulance Victoria has launched its own trial supports the need for the coalition's amendments, which were, as I said, first proposed by Mr Pesutto in the other house. When the bill moves into committee we will be moving our suite of amendments to expand the scope of this bill so that it is available for ambulance officers and it is available for those other emergency services first responders that I outlined, along with custodial officers.

We have seen, as the house will be well aware, a significant number of incidents occur within the custodial corrections system over the last couple of years — violence issues in the youth justice system as well as in the adult prison system — and to have the capacity to use body-worn cameras to again put beyond doubt what is occurring in responses and what is occurring in incidents we believe would be a valuable addition to the tools which are available to custodial officers. We will be seeking to add that as part of our amendments when the bill goes into committee.

We think the framework is a good one for Victoria Police and we support that, but we believe equally that the technology and capability should be available for other first responders. Given that the ambulance trial is underway already, we are baffled that the government itself did not include ambulances in the bill. It is yet another demonstration of where we are seeing half-baked legislation from this government. We will accordingly move to include Ambulance Victoria in the bill along with those other first responders. We look forward to this bill passing in the Council today expeditiously.

Mr ELASMAR (Northern Metropolitan) (11:13) — I am pleased to rise in support of the Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017. I will speak briefly to some of the actions

outlined in the bill before the house today. Overall I think this is a very practical bill. It will support and enhance the role of our police officers who undertake their duties while interacting within the public arena and in other related areas. This bill provides police officers with the capacity to film members of the public and more specifically criminals. Police will be confident in the knowledge that during the initial interaction process they will have the flexibility to respond to possibly unruly incidents with the knowledge that their actions are lawful and reasonable during investigations and interrogations. The ability to provide videoed evidence will also be a positive aspect and will nullify hearsay evidence. Too often criminals will say, 'It wasn't me. I wasn't even there'. Well, body cameras will put a stop to all that nonsense.

The bill also provides our police with the capacity to improve community safety by defusing potentially violent situations from escalating. It will also implement the government's election commitment to recruit and train more police personnel to better protect our community.

Importantly, the bill delivers on our commitment to implement recommendation 58 of the Royal Commission into Family Violence whereby evidence may be given by video footage of police-worn body cameras, thereby eliminating further trauma to victims of family violence. The government is also proposing amendments, and I would like the amendments to be circulated now.

Government amendments circulated by Mr ELASMAR (Northern Metropolitan) pursuant to standing orders.

Mr ELASMAR — The bill will also provide transparency and accountability of policing methods and assist in countering frivolous police complaints. It is enshrined in the bill that privacy of footage and/or non-disclosure by police of that information is protected and that verbal or listening device surveillance will still require a warrant.

The bill contains a provision to allow staff in special circumstances to wear a body camera. There are several situations that arise daily within the healthcare system, such as hostile patients who abuse or assault medical staff. The wearing of a body camera may very well diminish the number of these incidences occurring.

Overall I am optimistic about this new tool in policing. It can be beneficial in modifying antisocial behaviour, and that has to be a good thing. It has the ability to improve occupational health and safety in many government scenarios where workers are being threatened or abused every day in their workplace. As I said, this is a good bill and I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) (11:18) — I am happy to speak today on the Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017, which is the first — some other legislation will follow — piece of legislation to support the use of body-worn cameras when the devices are rolled out to frontline police next year. The aim is for police to use body-worn cameras in their daily duties eventually. The bill also introduces reforms which aim to ensure that crucial information is provided to the sex offender registry as soon as possible.

Currently the use of body-worn camera footage could constitute an offence if police were to inadvertently record a private conversation. This bill amends the Surveillance Devices Act 1999 to create an exception that will enable police to use the devices lawfully and ensure the footage is appropriately protected. This bill will be followed by a subsequent bill to support the use of body-worn cameras for recording statements in family violence matters and allow statements to be used by victims as their evidence-in-chief. This will implement recommendation 58 of the Royal Commission into Family Violence. The intention is to roll out body-worn cameras to all frontline police, and the footage captured by these devices will be used to support prosecutions, as evidence in police disciplinary matters and for police training.

Body-worn camera footage will also be available to assist IBAC in investigating allegations of police misconduct. The bill ensures that body-worn camera footage will fall within the broad scope of documents that IBAC can compel production of as part of an investigation and provides for the same protections and restrictions to apply to the overt use of tablet computers as will apply to body-worn cameras. Field testing of the cameras is expected to commence in the first half of next year, and the use of these cameras will bring Victoria into line with other states, including New South Wales and Queensland, where the equipment is already in use. It has been in use in the United Kingdom for many years and also in the United States.

The Greens are broadly supportive of this initiative and this bill, but we do have some concerns in particular in regard to the practicalities of the use of body-worn cameras and tablets around the definition of overt use. My office staff and I have had some conversations with the minister's staff with regard to the definition of the

word ‘overt’. We were advised that the definition is ‘not hidden or secret’. We do not believe that is strong enough. If a body-worn camera or a tablet device is to be used to record a conversation or an interaction with a member of the public, either as an audio or visual recording, the person or persons that the police are interacting with should be proactively informed that the camera or tablet device will be used rather than simply assuming, because the body-worn camera is on the person of the police officer or the tablet is being held by the police officer, that a member of the public will necessarily assume that that device is being used.

This is particularly the case with body-worn cameras, because as members would realise, police do have quite a lot of paraphernalia about their person, including walkie-talkies, radios and all sorts of equipment. If you see police walking around, there is a lot of equipment that they carry with them. A body-worn camera would just be another one of those pieces of equipment on their person, and its presence will not necessarily alert the person or persons the police are interacting with that it is actually being used.

Under the similar New South Wales legislation police are required to actively inform people that the device is going to be used and the interaction will be recorded unless — this is the exception — it is impractical to do so. We think the legislation before us could be improved, and certainly the further legislation that will follow should have similar wording put in place. We are advised that police will develop guidelines, for example, as to the use of the devices, and that is well and good, but it is not as strong as embedding in the legislation what the requirements are.

We certainly do not want to see police officers using too much discretion with regard to when devices are and are not switched on. In New South Wales the default position is that they are used during interactions with members of the public and that those members of the public are informed of that unless it is impractical to do so. I know people would be aware of the event in Minneapolis, for example, where an Australian woman was tragically shot by a police officer who, despite being required to have his device turned on, did not do so. Minneapolis police policy states that devices should be turned on ‘as soon as possible’ but before any citizen contact and prior to any use of force, or if a body camera is not activated before then ‘it shall be activated as soon as it is safe to do so’. In that instance it was not.

We do want to guard against ad hoc usage of these devices. If they are going to be used, they need to be used consistently, and members of the public need to know they are being used. Having said that, we are supportive of the initiative that this bill puts into place and the changes to the Surveillance Devices Act as well.

Part 3 of the bill makes some amendments to the Judicial Proceedings Reports Act 1958, which restricts the publication of certain information, including details likely to lead to the identification of a victim of a sexual assault. Clause 8 of the bill amends the act to provide that the prohibition on disclosing information does not prevent the disclosure of information to a prescribed person or body for the purpose of enabling the person or body to perform a statutory function to ensure that there is no delay in fulfilling the requirements under the Sex Offenders Registration Act 2004 whereby the Chief Commissioner of Police must maintain a sex offenders register and the court is required to provide details of the sentence or determination of an appeal relating to a sex offender whose details are required to be maintained on the register.

With regard to the amendments that have been circulated, the government has circulated some amendments, the first set following an issue raised by the Scrutiny of Acts and Regulations Committee (SARC) in its report on the bill. SARC posed a question around the wording in the bill, especially under clause 7, which makes it look like recordings from body-worn cameras or tablet computers that capture public events — that is, not private recordings — cannot be used for prosecutions or internal disciplinary matters. Whilst the Attorney-General in his response to SARC assured them that it is intended that all information captured could be used for prosecutions, the amendments make this clearer.

The second set of amendments relate to extending the use of body-worn cameras to ambulance officers due to the occupational violence that they deal with. Ambulance officers already have in place a policy to deal with body-worn cameras. We are supportive of those amendments from the government.

The opposition have circulated a set of amendments to extend the use of body-worn cameras and devices to custodial officers and emergency workers, including Metropolitan Fire Brigade and Country Fire Authority workers, Victoria State Emergency Service workers and even some sets of volunteer workers. In terms of custodial offices — and I will certainly follow this up with the minister in committee — I presume that police custody officers are covered by this particular bill, as in they are members of the police force. Custodial officers are something certainly worth considering, and an argument can be made for that, but some of the other

groups of workers that are included in the opposition's amendments I am not quite so convinced of.

The government has advised that the bill allows for other prescribed persons to be added to this regime in future, so that would allow some of the groups of workers put forward by the opposition to perhaps be added at a later date. I will certainly be interested to hear what the government has to say with regard to these amendments in the committee stage. I am inclined to not support the amendments put forward by the opposition at this stage, but I do feel that in terms of custodial offices there is certainly a case to be made for that class of public service worker. We do have some concerns about the practical application of these new provisions, but in general we do support the bill.

Mr MORRIS (Western Victoria) (11:29) — I rise to make my contribution to the Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017. I note that this bill is going to amend the Surveillance Devices Act 1999 to facilitate police wearing body-worn cameras and tablet devices to record certain private conversations without a warrant. Similarly it also amends the Judicial Proceedings Reports Act 1958 to facilitate the disclosure to prescribed bodies of certain protected identifying information relating to convicted sex offenders.

I also note that this bill has received strong support from the Police Association Victoria, and the police association is supportive of the full rollout of body-worn cameras. I understand that they certainly believe that cameras will assist in gathering evidence and protecting police from vexatious complaints, and I think that is incredibly important because our police do a very difficult job. It is a job that does place them in very difficult circumstances, and often police are seeing the worst in people unfortunately — when people are at their lowest ebb, when they are in circumstances that we would like to think that many people would not find themselves in but they do. Police need to manage and deal with these very difficult situations that, one would hope, most people would find themselves in maybe once in their life, but police are dealing with these situations day in and day out.

A true recording and reflection of events as they occur, through such recordings on body-worn cameras, would help facilitate ensuring that the true nature of interactions is appropriately recorded and therefore can be used at a later date to clear up any concerns or complaints that may be made against police officers — indeed, just to clear up what has actually transpired in any given event.

I note that some of the main provisions of the bill are in clauses 4 and 5, which allow for the body-worn cameras and tablet devices used by police and other certain prescribed persons to record private conversations to which they are not party when overt, inadvertent, unexpected or incidental to the course of their duty.

Clauses 6 and 7 extend the definition of protected information under the Surveillance Devices Act to include information obtained through the use of body-worn cameras and tablet devices. This makes it an offence to use, communicate or publish this information except for permitted purposes. I think it is an important provision within this bill to ensure that evidence and information collected through the use of body-worn cameras and the like is going to be used only for appropriate reasons and not for those that are not intended through this bill.

I also note, with the police association's backing of this type of intervention to ensure recording of these types of interactions, that this will facilitate the protection of police. That is something that I and we on this side of the house are certainly very keen to see occur. Protecting our police officers whilst in the course of their duties is incredibly important.

One example of that was when Mr O'Donohue, in this place, introduced legislation to protect police officers by making it a specific offence to ram a police car. Unfortunately of late, particularly over the last 12 months, we have seen a huge spike, a massive rise, in the number of instances of police officers having their cars rammed by offenders attempting to evade police. We all know that if one were to attempt to ram a police car, they would be not only placing police officers at risk but also prolonging the inevitable, and that is that they will be caught by the long arm of Victoria Police.

The protection of police in the course of their duties is incredibly important. That is why I find it unfathomable and I think it is a disgrace that despite the government on 9 August this year saying that legislation was only weeks away from making it a specific offence to ram a police car and despite the government making that commitment to the police and to the Victorian community, we are now 10 weeks past that time frame in terms of when the announcement was made. It is now months, not weeks, since the Minister for Police made that announcement that legislation would be introduced to the Parliament, and yet we are still waiting. There have been strong calls from Police Association Victoria and there have been strong calls from the community at large to say that it is not okay

for offenders to ram police cars or to place at risk not only the lives of police officers but also the community at large, and police officers need to be protected.

So whilst it is welcome that the government is introducing this legislation to help protect police officers in the course of their work, it is letting down the community by not keeping its word by failing to keep its promise to introduce legislation to protect police officers from criminals who choose to ram their police cars.

This is something that is quite close to my heart, as it is something that has occurred on a number of occasions of late in Ballarat. Unfortunately the advent of seeing the police air wing above the skies of Ballarat is something that we have seen far too regularly of late. Many of the circumstances surrounding that have been police car rammings. Without sending a very strong message to offenders that this type of behaviour will not be tolerated and that there will be severe penalties for this type of behaviour, then unfortunately what one can only expect to continue to occur is that police officers will continue to have their lives placed at risk and the general community will have their lives placed at risk, and that very strong message that should be sent to offenders who choose to break the law will not be delivered to those offenders in the way that it should be.

As I said, this legislation is certainly welcome. I am pleased to see that there are the appropriate protections associated with this bill as it has been introduced. I note the government have also introduced some house amendments to further expand who it is that is going to be able to make use of these body-worn cameras. I am certainly pleased to see that the government has introduced this particular legislation, but I reiterate the point that the community and the police expect that the government is going to keep its promises and to date it has failed miserably to do so.

Once again I just put on the record that it is very clear what needs to be done. The government on 9 August said that within weeks they were going to use this legislation. It is time for them to stop sitting on their hands and to make the move to introduce that desperately needed legislation to ensure the police and the community are kept safe from offenders who choose to ram police cars, because it is a despicable crime and one that should be called out and denounced in the strongest terms by having the appropriate legislative protections for our hardworking police men and women. At that juncture I will conclude my contribution. I look forward to hearing the contributions from others in the house.

Mr ONDARCHIE (Northern Metropolitan) (11:39) — I rise today to speak to the Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017 — a bill that the state opposition will be supporting. But I find it curious, as Mr Morris quite eloquently advised the chamber, that these cameras are restricted to just police people and protective services officers (PSOs). What about other emergency services that could do with the use of body-worn cameras? Indeed it would have been interesting if professional firefighters had body-worn cameras. Then we could really see the extent of the sexual harassment against women —

Mr Morris — Who is the secretary of the UFU?

Mr ONDARCHIE — Thank you. I will pick up that interjection by Mr Morris. I am happy to name the state secretary of the United Firefighters Union — unlike the Premier, who will not even holler for a Marshall. It would be interesting if Peter Marshall and members of the UFU had been wearing body-worn cameras as well because body-worn cameras would have given us much more of an insight into the negotiations or discussions that happened between the Premier's office and the United Firefighters Union. We do not get to see that. It would be interesting and helpful to our ambulance people to have body-worn cameras, because we could see the level of violence being taken against them on our streets and in our hospitals. In fact body-worn cameras should be worn by our health staff as well.

The coalition in government went to a great extent to protect these people. The government, in their typical half attempt to do things, just talk about supporting police and PSOs — the same PSOs, I would add, that this government criticised when in opposition. In fact I think they called the PSOs 'plastic police' at one stage, and I think they made the reference that they were 'failed police applicants'. They called the PSOs that — PSOs who do wonderful jobs right across this state. We should think about them at the Shrine of Remembrance, we should think about them at Government House and moreover we should think about them right here at Parliament House, where the PSOs do a wonderful job in keeping us and the public safe, and we commend them and take off our hats to them.

This bill probably does not go far enough. Would it not be interesting if members of the Labor Party wore body-worn cameras? We could have seen the extent of their negotiations in the caucus meeting over the last 24 hours, when we had in one corner James Merlino and in the other corner the Premier, trying to work out

what they are doing over the Voluntary Assisted Dying Bill 2017.

Ms Mikakos interjected.

Mr ONDARCHIE — And we would have Ms Mikakos in the middle going, 'Oh, I'm not quite sure which way to go. Do I go with the Premier or do I go with my heart here?'. We will know that over the next two weeks.

Ms Mikakos — On a point of order, Acting President, Mr Ondarchie is actually misleading the house. I am on the public record as supporting the voluntary assisted dying legislation, so I think it is really unnecessary for him to make that point.

The ACTING PRESIDENT (**Ms Patten**) — Ms Mikakos, that is not a point of order. Please stick to the bill, Mr Ondarchie.

Mr ONDARCHIE — I will continue after that point of order. Yes, we know Ms Mikakos will do whatever the Premier wants her to do; we already know that. This bill that the opposition does not oppose is one that will help our police people in the way they go about their business and ensure that justice is appropriately served in this state — we hope — provided that when these issues get to court they will be dealt with appropriately as well.

But it seems to be that in Daniel Andrews's Victoria the best way to keep out of jail is to be out on bail and committing another offence. That is what is going on in this state. People are nervous. Elderly people are concerned about trying to go out at night, and women particularly are concerned about how safe they are on the streets, and what is this government doing about it? Nothing. This bill does not go far enough. I think it would be great if we saw more from this government on protecting Victorians and protecting those who work to protect us. We do not oppose the bill.

Ms MIKAKOS (Minister for Families and Children) (11:43) — It is with some pleasure that I rise to conclude the debate on the Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017, and I thank members for expressing their views on this particular issue. We on this side of the house take enormous pride in the investment that we have made in relation to both Victoria Police and protective services officers. We have seen significant investment from the government in relation to investing in more than 3000 additional Victoria Police members, and we have seen accompanying that significant investment in giving police and others the type of additional supports they need around new and groundbreaking technology.

So we are ensuring that our police and our emergency services staff, such as our custodial officers in our correctional system and ambulance staff, are able to be equipped with the technology that they need to not only keep themselves safe but also ensure that justice is served in terms of those individuals who may seek to perpetrate violence against them.

In this respect I make the point that it is absolutely reprehensible that we do see people who are performing such critical roles in our community, people who work incredibly hard to keep all of us safe — including those who are in many cases, like our ambulance staff, working to keep a person alive — being assaulted. It is something that I am sure every member of this house would be incredibly disturbed about — seeing these really dedicated individuals in our community, who put themselves on the line every day, being subjected to these types of assaults in this manner. We are endeavouring here to have body-worn cameras and accompanying technology provided to these important frontline staff members in order to keep them safe and therefore to ensure that our community can remain safe.

I know that there have been some issues raised in the course of the debate. I understand that these issues will be canvassed in the course of the committee stage.

Mr Rich-Phillips — I am hoping it is not you.

Ms MIKAKOS — Well, it might well be me. These matters will be canvassed in the course of the committee stage, and Mr Rich-Phillips, I can assure you I would be very happy to perform that role in relation to this really important piece of legislation. I know that Minister Tierney will be very capable in responding to queries that members have. I just want to indicate my support in concluding the debate for this important piece of legislation.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr RICH-PHILLIPS (South Eastern Metropolitan) (11:49) — Minister, in relation to clause 1, you have indicated that the government has amendments. Why does the bill as drafted not include a framework to provide the use of body-worn cameras for the ambulance service? The government announced back in December last year that a trial would be undertaken of the use of body-worn cameras by Ambulance Victoria, so why was Ambulance Victoria not included in the legislation in the first place?

Ms TIERNEY (Minister for Training and Skills) (11:50) — That was because, Mr Rich-Phillips, there was a pilot occurring at the time and there was consultation. That is why at the time it was not included.

Mr RICH-PHILLIPS — Thank you, Minister. Can you advise the committee of the time frame of that Ambulance Victoria pilot?

Ms TIERNEY — The pilot commenced in June, and I am advised that it will be completed in December this year.

Mr RICH-PHILLIPS — It will be completed in December this year? It is not completed now obviously.

Ms TIERNEY — No.

Mr RICH-PHILLIPS — Given you are introducing this framework for Ambulance Victoria by way of amendment part way through the trial, why did you not have it in the bill when it was introduced in the other place back in August?

Ms TIERNEY — I am advised that there were discussions at the time of drafting. At that time there were consultations and discussions going on, and it was determined by parties that they wanted further discussions. Those further discussions, as I understand it, have advanced, the pilot has advanced and people are generally feeling more comfortable with ambulance officers being included now in the bill before us today.

Mr RICH-PHILLIPS — Thank you, Minister. Minister, I must say I have some difficulty with that. The government announced the trial for Ambulance Victoria in December last year. The trial commenced in June this year, as you indicated, and will run through until December this year. So the announcement was made six months before the trial started, which is now underway. This bill was introduced in the other place in August this year. So there was six months between the announcement of the ambulance trial and the commencement of the ambulance trial, obviously the period in which this bill was being prepared. What information came to the government between 8 August, when this bill came to the Parliament, and today that has resulted in the government now seeking to amend the bill to insert 'ambulance', when the trial was already well-known and well foreshadowed at the time when the bill was first brought to Parliament?

Ms TIERNEY — In terms of the exact information that might have been transacted amongst the parties, I do not have that information, but what I am advised is that, particularly during the pilot phase, people have become more comfortable with being part of the new bill. Because the bill is before the house, it was thought that an amendment to include ambulance officers would be a practical way of dealing with the situation, otherwise it would have been waiting for the pilot to be completed in December and then ambulance officers being covered by regulation. So it was the view that it would be better to actually use this vehicle now with respect to ambulance officers and their inclusion in the bill.

Mr RICH-PHILLIPS — Thank you, Minister. I put it to you that the reason the government is introducing this amendment today is merely to mirror the amendments that were foreshadowed by the coalition in the other place when the bill was first introduced, which extends this framework to Ambulance Victoria. It is not some change of heart midway through the trial that has actually brought about the amendments we are suddenly seeing.

The ACTING PRESIDENT (**Mr Elasmar**) — The minister has already declared the reason for it.

Ms PENNICUIK (Southern Metropolitan) (11:57) — The Greens will be supporting the amendments put forward by the government to clarify the use of the footage and to add ambulance officers so that they are able to wear body-worn cameras as well.

The ACTING PRESIDENT (**Mr Elasmar**) — If there are no further questions, I will ask the minister to move her amendment 1 to clause 1.

Ms TIERNEY — I move:

1. Clause 1, lines 4 to 7 and page 2, lines 1 and 2, omit all words and expressions on these lines and insert—

"(a) to amend the Surveillance Devices Act 1999—

(i) to facilitate the use of body-worn cameras and tablet computers by police, ambulance officers and prescribed persons to record certain private conversations in the course of their duties without a warrant under that Act; and

(ii) to extend restrictions on the use, communication and publication of information obtained through the use of surveillance devices to body-worn cameras and tablet computers by police, ambulance officers and prescribed persons; and".

The amendment that the government wishes to submit is an amendment that expands the purpose of the bill to include ambulance officers in the use of body-worn cameras and tablet computers. The amendment also seeks to permit the disclosure of certain information. Amendment 1, I believe, is a test for my amendments 2 through to 10 and 13.

Mr RICH-PHILLIPS — The coalition will support this amendment from the minister. Obviously we believe that the framework should be extended beyond just Ambulance Victoria, and we will pursue that with further amendments. To the extent that the minister's amendment takes the first step towards replicating the coalition's policy, we will support this amendment and subsequently pursue the further broader amendments.

Amendment agreed to.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Ministerial travel

Mr ONDARCHIE (Northern Metropolitan) (12:00) — My question is to the Minister for Trade and Investment. Minister, in February 2016 you and your then chief of staff undertook a taxpayer-funded trip to the United Arab Emirates at a disclosed flight cost of $17 483. Your travel reports indicate that you only visited the UAE. So I ask: why then was there one Saudi Arabia-to-Dubai return flight in the middle of that trip that has never previously been disclosed?

Mr DALIDAKIS (Minister for Trade and Investment) (12:01) — Well, we are on the big issues. Mr Ondarchie has been up all night. I am glad that he can read, though. Obviously he went to a good school. The reason for the fare is that meetings were cancelled at the last moment. As a result, the trip to Saudi Arabia did not go on, which is why the trip report is to the UAE.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) (12:01) — Thank you, Minister. Your travel report also indicates airfares of $17 483 for you and your chief of staff. However, your travel report failed to detail that there was a flight to Saudi Arabia during your nine days away. It fails to detail a second overseas airfare of $20 777, which is in your ministerial office transaction report, which I have here in front of me. Minister, why is there such a discrepancy between the $17 483 you publicly disclosed and the $38 260 that taxpayers have already been charged?

Mr DALIDAKIS (Minister for Trade and Investment) (12:02) — Well, come in spinner! I tell you what, I love these questions. I never get questions about what we are doing, why we are doing it and what the outcomes are — we never get questions on policy from Mr Ondarchie or those opposite. We never get anybody interested in how we are trying to grow Victoria, improve exports or increase jobs locally — no questions like that; we only ever get questions when it comes to dollars and cents.

I have already answered in the substantive question that the trip to Saudi Arabia did not go ahead and that it was cancelled at the last moment. In fact I can tell you that there will also be fees for a visa to Saudi Arabia that I had to procure which I did not end up using because unfortunately the meetings were cancelled at the last moment, which meant that I did not travel to Saudi Arabia. That is why the travel report was to the United Arab Emirates. My gosh, we —

The PRESIDENT — Thank you, Minister.

Ministerial travel

Mr ONDARCHIE (Northern Metropolitan) (12:03) — My question is to the Minister for Trade and Investment. Noting the minister's visit to Myanmar on official business in mid-August meeting with Myanmar government ministers, I ask: was the minister in any way concerned that his visit might provide legitimacy to the Myanmar government, which before, during and after his visit was carrying out persecution and deadly atrocities against the Muslim Rohingya people?

Mr DALIDAKIS (Minister for Trade and Investment) (12:04) — I thank the member for the question. It is actually a serious question. It is a serious question because, as we have seen in the last little while, there are serious questions that the Myanmar government have had to answer in relation to human rights and questions of the way that they have

conducted themselves in relation to minority groups. At the point in time that I actually travelled to Myanmar the substantive nature of those allegations had yet to be fully disclosed in the world media. There had been minor skirmishes up until that point but nothing of the serious nature we have seen in more recent times.

I point out that the course of the trip to Myanmar was in order to support some international education efforts which we have done — in fact, may I point out, with Melbourne Polytechnic, which is chaired by a former member of this place, the Honourable Bill Forwood, a colleague of those opposite. I am very comfortable with those opposite contacting Mr Forwood and asking about the support that we provided to Melbourne Polytechnic in Myanmar and beyond, including of course my trip to Thailand, which was part of that same trip, where Melbourne Polytechnic were able to establish a relationship with the largest registered training provider in Thailand, which has 16 000 students. Of course that may not be a question that Mr Ondarchie asks, because he is not interested in policy, he is only interested in politics.

Let me point out that the Australian government maintains a trade commissioner in Myanmar. The Australian government retains a mission, a federal government embassy, in Myanmar. We cannot close ourselves off to the world on the basis of what might happen, because when I was there, whilst there were concerns about some of the issues that have since further come to light, at that point in time they had not.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) (12:06) — Minister, are you concerned that your visit reflects poorly on your judgement because during the time you were meeting with the Myanmar government ministers the military forces of their government were, according to the UN High Commissioner for Refugees, engaged in a crackdown on the Rohingya people prior to the 25 August attacks and this crackdown included arbitrary arrests of male Rohingyas, arbitrary arrests of cultural and religious personalities, deprivation of access to food and acts of violence and humiliation to drive out Rohingya villagers and instil fear and trauma through, and I quote, 'acts of brutality, namely killings, disappearances, torture and rape and other forms of sexual violence' and that you yourself, Minister, have not made any comments to denounce such inhumanity?

Mr DALIDAKIS (Minister for Trade and Investment) (12:07) — I am not sure that that is apposite to the substantive question, but in any effect the answer is no.

LaunchVic

Mr ONDARCHIE (Northern Metropolitan) (12:07) — My question is to the Minister for Innovation and the Digital Economy. Minister, have you been briefed —

Mr Dalidakis interjected.

Mr ONDARCHIE — Are you ready?

Mr Dalidakis interjected.

Mr ONDARCHIE — Have you been briefed by your department —

Honourable members interjecting.

Mr ONDARCHIE — He gets very defensive. He gets very, very defensive. But wait, there is more. Have you been briefed by your department on the risks associated with the set-up of LaunchVic and the similarities of the Victorian Economic Development Corporation (VEDC), that stained Victoria's economic credibility in the Cain and Kirner governments?

Mr DALIDAKIS (Minister for Innovation and the Digital Economy) (12:08) — The only thing missing from Mr Ondarchie is the red nose — in every other respect he is a clown. And the answer is no.

The PRESIDENT — Mr Dalidakis, I would ask you to just limit your answer to 'No' by way of withdrawal of the commentary, thank you.

Mr DALIDAKIS — Withdrawn, President.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) (12:08) — I could have responded by calling him a —

The PRESIDENT — Please do not.

Mr ONDARCHIE — I could have, but I would not, because if I did and I had to withdraw I would be misleading the house. Minister, I have correspondence from your department to your office warning you of the issues and concerns about the VEDC and LaunchVic. Clearly there are concerns about aspects of LaunchVic — governance, expenditure, rorting and mismanagement of taxpayer funds — and, noting your answer to the substantive question, I ask: what lessons were adopted by the briefings and information on the Victorian Economic Development Corporation to ensure LaunchVic did not become another Labor economic disaster?

Mr DALIDAKIS (Minister for Innovation and the Digital Economy) (12:09) — I thank the member for his question. I wish he had asked this question as the substantive question so I could have had a significantly greater period of time to answer. In effect there is no relationship between the VEDC and what LaunchVic does. For a start, LaunchVic does not provide seed funding to companies the way that VEDC did; it does very different things. Unfortunately for Mr Ondarchie, the truth in this particular instance is inconvenient to him and the grubby assertions that he has made. For him to make the claim in this place is an unfortunate use of parliamentary privilege, and I hope that he makes these claims outside this place.

Sheep and goat electronic identification

Mr O'SULLIVAN (Northern Victoria) (12:10) — My question is to the Minister for Agriculture. Minister, Victorian stock agents, vendors and transport operators are concerned that the implementation of sheep and goat scanning at saleyards is being rushed and that you as minister need to consider the appropriateness of the current time frames. Minister, will you not consider extending the 31 March deadline to make sure the job is done properly in the first instance?

Ms PULFORD (Minister for Agriculture) (12:10) — I thank Mr O'Sullivan for his question about the government's rollout of electronic tagging of sheep and goats. This is a really important reform, one that was in part recommended by the Victorian Auditor-General in a report that was scathing of the former government's cuts to our biosecurity system — a dramatic reduction in the number of animal health officers employed by Agriculture Victoria and the number of veterinary staff — cuts in the order of $20 million a year. You can just imagine the kind of risk that that poses to our biosecurity system, which is of course important for so many different reasons. In terms of its economic impact on the state, though, it can have the greatest dramatic impact when we are contemplating the consequences of losing access to particular markets. So we have been fixing that problem by repairing the funding to biosecurity and restoring those important frontline services.

But electronic tagging of sheep and goats is a really important reform. It follows an initiative of a former Labor government to introduce, some 12 or so years ago, electronic tagging of cattle, and everybody has adjusted to that and got used to that. Because it is a big change, we announced a $17 million transition package and had a period of consultation with industry. This has all been designed in very, very close partnership with industry — with the Victorian Farmers Federation but also with people throughout the supply chain. We had a period where anybody who wanted to look at the draft rules could do so and could provide advice and suggestions to government about the time frames for the rollout. As a result of those consultations the initial time lines were adjusted in response to the anxiety of some in some parts of the supply chain about their ability to be ready for this change, but I am certainly very happy with the progress to date on the rollout.

It is a very big reform. It is not going to be without a few bumps, and for some people change can be difficult. But for the scale of the reform that it is I am certainly satisfied with how it is progressing, and I think it is all going really very well.

In terms of Mr O'Sullivan's question about saleyards in particular and their ability to make their deadlines, we have had two phases of grants that have been available for saleyards to prepare for this. Phase 1 was really about studies and the support that was needed to be ready for the change. Stage 2 is about infrastructure and the actual purchase and installation of the gear that will be needed at saleyards to read large numbers going through.

There have been trials that have been underway, and Ballarat saleyards, one of 14 that we are supporting through this reform, is already up and running. But the applications for funding for phase 2 are open until the end of this month, and we are working very closely, really on a case-by-case basis, with each of the saleyards to help them be ready for this change.

But it is very exciting and Victoria is leading the country. We have had quite some interest from other jurisdictions, particularly those that share a border with us. I think it is a reform that will start to see other states following in time, but we are certainly freely making available our experience to other states so that they may also benefit from such a change in the future.

Supplementary question

Mr O'SULLIVAN (Northern Victoria) (12:14) — Thank you, Minister. Minister, the work required to get saleyards scanning up by 31 March 2018, in terms of the planning, the design, the funding, the tenders, the orders, the construction, the testing and the implementation, is huge. Minister, what will you do to provide the confidence that the livestock industry requires to ensure that the current issues will be resolved?

Ms Pulford — On a point of order, President, which current issues is Mr O'Sullivan referring to?

Mr O'SULLIVAN — Well, for an agriculture minister to not understand what those issues are, I thought you would have been in more contact with the saleyard industries to actually understand. They do not think that they can get it done in time in terms of the implementation of the scanners and so forth.

Ms Pulford — Why?

Mr O'SULLIVAN — I am happy to debate it.

The PRESIDENT — It is not a debate. The member has put his question.

Ms PULFORD (Minister for Agriculture) (12:15) — Mr O'Sullivan has demonstrated that he is unable to articulate which particular aspects of the reform which saleyards think they cannot meet. But what I can assure Mr O'Sullivan of is that Agriculture Victoria is working with each of these saleyards to make sure that they are ready. Applications, as I indicated, are still open for phase 2. In fact the overwhelming majority of the 14 saleyards have their applications in for their gear and equipment, and this reform is tracking.

There are, I imagine, some people who are worried about their ability to make this change by the end of March next year, and we will continue to support them as they get ready for this change, but as I indicated, one is up and running and here we are in October, some five months before they need to be.

Great forest national park

Mr O'SULLIVAN (Northern Victoria) (12:16) — My next question is also to the Minister for Agriculture. Minister, can you confirm that you or your ministerial office have sought advice on the viability of VicForests as a government agency in the event of the establishment of a great forest national park?

Ms PULFORD (Minister for Agriculture) (12:17) — I thank Mr O'Sullivan for his question around VicForests and the viability of VicForests in light of some of the challenges that the native timber industry is facing. I can certainly assure Mr O'Sullivan that myself and the Treasurer, as the shareholder minister for VicForests, are well aware of the challenges facing VicForests and are working closely with them to respond to those challenges.

As Mr O'Sullivan would no doubt be aware, because he is a member of the upper house of the Victorian Parliament, there has been a significant reduction in the amount of timber that is available. This is something that has been discussed extensively in this house and something that came to a particular point of difficulty in relation to the mill at Heyfield. The mill at Heyfield has been the largest timber mill in Victoria and is now the second largest timber mill in Victoria, so it is a very, very significant customer, where there has been a significant reduction in the available resource for reasons that members here all understand well, not least of all the decisions put in place by the former government and the Assembly member for Warrandyte.

Supplementary question

Mr O'SULLIVAN (Northern Victoria) (12:18) — Thank you, Minister. Minister, can you confirm that you and your ministerial office have been advised that the establishment of the great forest national park would risk 2000 Victorian jobs and more than $500 million worth of economic activity in Victoria every year?

Ms PULFORD (Minister for Agriculture) (12:19) — I thank Mr O'Sullivan for his follow-up question. It is I think highly speculative. Mr O'Sullivan is asking about the impact of a national park that some members in the community are keen to see the establishment of. It is not a national park that exists per se, so Mr O'Sullivan is asking for I think an answer to a hypothetical question. But I would reiterate my response to Mr O'Sullivan's substantive question as my response to his supplementary question as well. The government is working closely with all stakeholders in relation to the issues of the sustainability of Victoria's timber industry, and we will continue to do so. We understand these issues well. We are closely engaged in them. It has been a very challenging period, and we will continue to do what we can to create the best possible outcomes for the Victorian community, both in terms of jobs in the timber industry and the protection of our environmental assets.

Production of documents

Ms WOOLDRIDGE (Eastern Metropolitan) (12:20) — My question is to the Leader of the Government. Minister, given the authority of this house, why has the government on the one hand refused to provide the Department of Health and Human Services secretary's Public Accounts and Estimates Committee (PAEC) documents requested by this house, claiming executive privilege, but on the other hand subsequently released a subset of the same documents under a routine FOI request?

Mr JENNINGS (Special Minister of State) (12:20) — I thank the member for her question. The matter that she has raised is a matter that has been

discussed on any number of occasions in this chamber. It is subject to consideration. She has put it to my colleague the Minister for Families and Children, the minister who is dealing with these matters. The minister on many occasions has relied upon advice that has come to her in terms of what is the status of documents that have been sought to be released, certainly in relation to what has been sought by this chamber in relation to PAEC folders. The government has actually reflected on that matter as a general principle and whether in fact it creates a particular disincentive for any folders to be created for any purpose into the future. Otherwise what is the sense of a minister appearing before the Public Accounts and Estimates Committee if in fact what is required is an extensive questionnaire format in the form of what PAEC may consider it to be?

I think it is a fundamental threshold question of what is a legitimate expectation of the Parliament through the parliamentary accounts and estimates process and the way in which information should be transmitted. If the member is actually saying that in fact taking ministers out of the equation is an important part of it, I think that is something we could perhaps actually consider if that is what is at the heart of this. If you just want transmission of information from a department to the Public Accounts and Estimates Committee, let us be honest about it.

On the other side of the equation, in terms of discrepancy, sometimes what might be the decisions that are made by freedom of information officers in government departments may or may not be the same advice that the government receives as a matter of course from the Victorian Government Solicitor's Office in relation to the standing across government of various documents, because as you would be aware, individual freedom of information officers within the departments have —

Ms Wooldridge — The minister's office ticked every one of them off.

Mr JENNINGS — No, that is not the case.

Honourable members interjecting.

The PRESIDENT Order! I am listening to Mr Jennings.

Mr JENNINGS — I am able to refute the accusation that has been made by the Leader of the Opposition by interjection. Ministers officers do not sign off on FOI requests. They are actually —

Honourable members interjecting.

Mr JENNINGS — I refute the accusation on the public record and in private. I refute it. I refute that FOI determinations are made by ministers in this government. That may have been past practice that the member is reflecting on, but that is not the practice of this administration. Indeed possibly this may account for how sometimes there may be some discrepancy between the advice and the actions of freedom of information officers, that act independently, from what might be the total considered view of the government in relation to consideration of what should be released under executive privilege that the government receives in response to when the Parliament requests documents based upon the legal advice that comes to the government, and the government acts in those cases, so that may account for the discrepancy. The member herself, by her mischievous interjection, may have already indicated to the chamber why there might be a difference around whose advice and whose authority decisions are made. I am going to rely on that answer because I am quite happy with it.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (12:24) — Thank you to the Leader of the Government for his response. Can I further ask then a supplementary question? The government claiming executive privilege over what turned out to be factual departmental briefs undermines confidence in the government's claims of executive privilege to this house, so how is the government going to re-establish this house's confidence in the government's regular claims of executive privilege over documents requested?

Mr JENNINGS (Special Minister of State) (12:25) — I am happy with my answer and I am happy with the question. I think the question is fine, because this morning my colleague the Attorney-General wrote to the chamber and indicated that in light of these circumstances the government is reviewing the status of various documents that are subject to the substantive matter. I understand that there is a degree of contest between non-government members in the Parliament and the government in relation to how these things should be dealt with. The Attorney-General today indicated that there is going to be a re-assessment of the documents that have been disputed in this instance, and the member knows, hopefully —

Ms Wooldridge interjected.

Mr JENNINGS — That may or may not be the case. But the member knows that I have given an undertaking to the chamber and an undertaking to her that I am very happy to take action to have

conversations, productive conversations, across the Parliament about how we can resolve, through a process, once and for all the way in which we might have a reconciled process, an agreed process, within this chamber about the way in which executive privilege is assessed into the future, and I acknowledge that that will take place.

Timber industry

Ms DUNN (Eastern Metropolitan) (12:26) — My question is for the Minister for Agriculture. Minister, how are biodiversity conservation risks being managed in accordance with the timber code of practice while species such as the greater glider, Leadbeater's possum and koala are being killed in situ for logging? Is it your responsibility or the responsibility of the Department of Economic Development, Jobs, Transport and Resources or the Department of Environment, Land, Water and Planning's (DELWP) to ensure compliance?

Ms PULFORD (Minister for Agriculture) (12:27) — I thank Ms Dunn for her question. The code of practice that exists is there to ensure that harvesting operations exist in a way that is cognisant of our responsibility to protect those environmental values. I can certainly assure Ms Dunn that this is something that all industry participants take seriously, that VicForests takes seriously and that DELWP and indeed my department all share responsibility for. As I think the member well knows, there are significant protections in place for the Leadbeater's possum, and the Minister for Energy, Environment and Climate Change is currently considering the matter relating to the greater glider. Our government does take our responsibilities in relation to protection of these species very seriously, and I can assure Ms Dunn that VicForests and its contractors are very much aware of their responsibilities under the code of practice and do comply with them.

Again, as Ms Dunn is well aware, where there are circumstances where members of the community wish to raise those things there are processes where investigations can take place should they need to, and they follow that course. But certainly in my experience the industry's commitment to the sustainability of the industry is great, and we work to balance these obligations while maintaining a level of harvest that is sustainable.

Supplementary question

Ms DUNN (Eastern Metropolitan) (12:29) — Thank you, Minister. It is a sad indictment that the only mechanism the community do seem to have to raise the issue is via legal action, which of course is costly and time consuming to the community. There is a public expectation that the code keeps loggers in line and that loggers comply with the code. The public wants assurance that the mandatory actions to address biodiversity conservation risks are complied with. I am sure, Minister, you know which clauses of the code they are, so I will not repeat them here. When are you going to act and call VicForests to account, as the responsible minister?

Ms PULFORD (Minister for Agriculture) (12:29) — If Ms Dunn has a particular allegation that she wishes to make about the conduct of any VicForests contractor, then Ms Dunn is invited to provide that information to me or to VicForests. To come in here and to assert in such unbelievably broad terms that something is not right in the forests and provide absolutely no details at all actually makes it very difficult for me to respond to that question, but I do invite Ms Dunn to furnish me with further details. She knows the process well, and if she believes that there has been any breach of the code of practice then she should provide that information rather than coming in here with these most general of assertions.

Sustainable Hunting Action Plan

Mr YOUNG (Northern Victoria) (12:30) — My question today is for the Minister for Agriculture. The government has developed a document that is the *Sustainable Hunting Action Plan*, containing many initiatives to improve hunting opportunities in Victoria. Can the minister update the house on the government's progress in enacting the *Sustainable Hunting Action Plan* and what additional hunting opportunities have been created since the plan was released?

Ms PULFORD (Minister for Agriculture) (12:31) — I thank Mr Young for his question about the *Sustainable Hunting Action Plan*, and I am happy to provide the house with an update. I have asked the department to provide quarterly updates, which will be published on the Game Management Authority website, that are reports back for hunters who are interested in the progress of implementation of the *Sustainable Hunting Action Plan*. I think the first one has certainly been published, and the second one cannot be far away if it has not already been. We do know that there is quite some interest in the rollout of the initiatives over this five-year plan.

As I hope Mr Young and hunters understand, in really the first year of the hunting action plan the focus has been on getting the basics right in terms of coordination across different agencies who have responsibility for different elements of the plan and also an invitation to

stakeholders, both those who are enthusiastic supporters of hunting but also those perhaps a little less so, about which of the initiatives in the hunting action plan they want to be involved with in the working groups.

I can also indicate to Mr Young that there is a particularly complex part of the reform that relates to the processing of game meat that I know hunters are particularly interested in, and we are making good progress on that. That will require the preparation of legislation and regulations to advance that. The funding has also been made available through last year's budget, and funding allocations across the different initiatives have also now been finalised.

So I think Mr Young will start to see signs in some of his state game reserves very soon as well. The last report I got on this, which was about a week ago, was around literally finalising what the design is going to look like on the signs to make people aware of where hunting activity is allowed and where it is not.

Mr Ramsay interjected.

Ms PULFORD — Well, Mr Ramsay, signage for hunters is actually one of the really important initiatives and one that hunters are most interested in seeing progress on, because it provides information for hunters and for other members of the community who use these areas of public land about where they are interacting, and safety is of course incredibly important. I would encourage Mr Young to have a look at the update on the website, and maybe we could even create a mailing list for people who wanted to receive that by email.

Supplementary question

Mr YOUNG (Northern Victoria) (12:34) — I thank the minister for her answer. We very much will be keeping a close eye on those updates to see some real action be put into place, because it has been suggested to me lately that the *Sustainable Hunting Action Plan* should actually remove the word 'action' for the reason that nothing is really sort of happening. Minister, I ask just by way of supplementary: have you identified any legislative barriers that are preventing the *Sustainable Hunting Action Plan* being enacted in full? And perhaps part of the example you gave with the processing of deer meat could form part of that answer.

Ms PULFORD (Minister for Agriculture) (12:34) — I think of all of the initiatives in the *Sustainable Hunting Action Plan*, the processing of deer meat is the one that is most needing of legislative reform. As I think all members would appreciate, the development of that takes some time. When you are talking about the processing of meat you need to be incredibly careful to ensure that there is no risk whatsoever to public health in terms of consumption, so we are carefully working through that at the moment. I hope in due course members in this place will, sooner rather than later, be able to consider such legislation and perhaps assist us with delivery of that particular item in the hunting action plan. But most of the initiatives in the hunting action plan do not require legislation; they require that coordination across —

Mr Young — But there is a piece of legislation already there.

Ms PULFORD — Well, the laws of the land currently do not allow for that to happen, so that is one example I can give Mr Young. Most of the initiatives of the hunting action plan do not require legislation; they require action by different agencies of government. Mr Ramsay did not seem so keen on the science, but I know that the hunters are, and that will be a good part of Parks Victoria's focus in the role that they have.

Victoria Police sex industry coordination unit

Dr CARLING-JENKINS (Western Metropolitan) (12:36) — My question fortunately is not for Minister Dalidakis, who is not in the chamber; it is for the minister representing the Minister for Police, Minister Tierney. It has come to my attention that women prostituted in legal brothels are increasingly complaining about being filmed or photographed by clients without their consent. The police, including the Victoria Police sex industry coordination unit, are seemingly powerless to protect these women because unless the women can substantially prove the images or film have been shared or made publicly available, investigations cannot be initiated and charges cannot be laid. This, as you can imagine, is leaving women in vulnerable, unprotected and traumatised states.

Minister, what action will you take to support and protect women whose privacy is being invaded in this way, including but not limited to investigating why the unit set up to protect these women seems powerless to assist them?

Ms TIERNEY (Minister for Training and Skills) (12:37) — I thank Dr Rachel Carling-Jenkins for her question. I sincerely thank her for raising issues that sometimes do not get raised because the people that are impacted are people that find it difficult to raise their voice, for whatever reasons. It might be a visa reason, it might be because of the employment that they are in or indeed it might be in relation to other court orders. So thank you for raising this matter. I am sure that the Minister for Police will respond to you and respond to

you within the guidelines. I myself look forward to the answer from the minister, particularly as the question has serious allegations around the filming of women in particular.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (12:38) — There are 12 written responses from the government today to questions on notice: 11694–9, 11704–10.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (12:38) — In respect of today's questions I require a written response to Mr Ondarchie's first question to Mr Dalidakis, the supplementary question, within one day; Mr O'Sullivan's second question to Mr Pulford, the supplementary question, that is one day, as it referred to what advice might have come, so I do seek a written answer on that; and in respect of Dr Carling-Jenkins's question to Minister Tierney, the substantive question — which is all there was — that is two days.

Ms Wooldridge — On a point of order, President, on 19 September Mr Morris asked the Leader of the Government a question in relation to the Aboriginal justice agreement. Two days later, when a point of order was raised, Minister Jennings stated he had actually returned the question to the Premier to be redone, as he had anticipated that it was not going to be a satisfactory response. As of today, which is a calendar month or five sitting days since the question was asked, the house still has not received a response. I am wondering if Minister Jennings could provide some explanation of when we could expect a satisfactory response.

Mr Jennings — On the point of order, President, maybe I gave too much explanation at the very beginning. But I think I will need to take some subsequent advice about what has actually happened in the intervening period.

CONSTITUENCY QUESTIONS

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (12:40) — My constituency question is to the Minister for Education, James Merlino. It concerns John Fawkner College in Fawkner. It is a school that, quite frankly — I have visited it a number of times in Fawkner in the Northern Metropolitan Region — is falling apart. Timber is rotting, there are holes in the floor, there are parts of the building that you cannot walk along because you are worried that you are going to go right through the floor and there are parts where the door and the architrave are completely out of whack — you cannot even shut or open the door.

The school have applied under the Victorian School Building Authority shared facilities fund for some urgently needed money, and they have been unsuccessful, no doubt because that money is going into other areas that are more politically advantageous. So I ask the minister if he could resolve the issue and ensure that John Fawkner College gets appropriate money so the kids can actually have a safe school.

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) (12:41) — My constituency question is directed to Natalie Hutchins in her portfolio of the Minister for the Prevention of Family Violence. I recently had a conversation with Eastern Domestic Violence Services (EDVOS), in particular the CEO of EDVOS — —

The PRESIDENT — You might move your microphone a bit further across.

Mr LEANE — You might find out why I was trying for you not to hear me, because I am not too sure if this is a constituency question. But I am going to give it a crack. Anyway, I recently spoke to the CEO of EDVOS, Jenny Jackson, who is a fantastic person and does great work in the domestic violence area in the east. The question I would ask the minister is: will she have an opportunity to engage with organisations in the east like EDVOS in the near future?

The PRESIDENT — It is very broad. Can we narrow it down? Engaged about what? Is she going to talk about the football, the weather or what?

Mr LEANE — No. Will she be able to engage as far as the unique initiatives that EDVOS have undertaken in the area of domestic violence?

The PRESIDENT — So the constituency question really relates to that organisation?

Mr LEANE — Yes.

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (12:42) — My matter is for the Minister for Public Transport, and it concerns the sky rail corridor between Caulfield and Dandenong, and in particular the safety of residents along that corridor. I have talked about this many times in the chamber before, and in recent days, over the last week or so, I have been writing to the Minister for Public Transport and to WorkSafe Victoria, and indeed there have been a number of serious incidents. On one occasion wires swept across a roof and knocked part of the roof off. In another, part of that same incident, a bolt landed right near workmen in the corridor. In another recent example a spanner fell onto a car. These are serious near misses — 20 centimetres in some cases — and this week we have seen a cat and a backyard sprayed with oil from hydraulic machinery. So what I ask is: will the minister investigate the protective envelope for the public and ensure that that is sufficient and that no further incidents of this type occur.

Northern Metropolitan Region

Mr ELASMAR (Northern Metropolitan) (12:44) — My question is for the Minister for Sport, the Honourable John Eren. The Significant Sporting Events program plays an important role in supporting key sport events for our junior, amateur and elite athletes across the state. Sporting events like these should all play a big part in Victoria's tourism and events economy, which generates 210 000 jobs and more than $21 billion annually. To date the 2014–18 Significant Sporting Events program has provided over $6.6 million in funding to secure over 270 big sporting events for Victoria. More than half of these events have been held in regional Victoria. My question to the minister is: how will the Significant Sporting Events program increase sport participation and tourism in my electorate of Northern Metropolitan Region?

Southern Metropolitan Region

Ms FITZHERBERT (Southern Metropolitan) (12:45) — My question is to the Minister for Public Transport, and it relates to the new substation at Sandringham station. This will be on Station Street, directly opposite homes. I met with residents regarding this issue very recently. One asked, 'Why can't the substation be built on or near the car park?'. This would be equally close to the level crossing — I understand there is an issue with the proximity of the substation to the railway station and crossing — but it would be much less close to residents. While it certainly may impact on some parking spaces, so too does the current site. So my question to the minister is: will she consider relocating the substation to the edge of the existing station car park?

Eastern Victoria Region

Ms SHING (Eastern Victoria) (12:46) — The question I have today is for the attention of the Minister for Education. It relates to the Latrobe Valley Flexible Learning Option (FLO), which is at a new site located at the Commercial Road primary school site on Commercial Road, Morwell. To this end the former Commercial Road primary site, which has no primary school cohort any longer because people have relocated to Morwell Central Primary School, is being used by the Flexible Learning Option to great effect, and it is providing a really great location in the middle of town. I ask the Minister for Education how we can maximise opportunities for youth engagement and for young people to use this site for a variety of other purposes to enable a shared facilities component to be worked into this site so that we can continue the potential and the advantage that this FLO site is already conferring on the community.

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) (12:47) — The constituency question I have is for the Minister for Roads and Road Safety in the other place, and it is in relation to a very important project not just for my electorate but also for others, probably including yours, President. It is a project that has been driven by Cr Robert Davies, amongst many in the community, including Monash council and the new Liberal candidate for Mulgrave in the Assembly, Maree Davenport. What they would like to know is: is the government going to fund the construction of the Westall Road–Monash Freeway connection in next year's budget, given that this project would increase north–south traffic flow and take the pressure off Springvale Road, which is one of the worst roads for accidents in Melbourne, and it would also reduce the number of trucks on local roads? Clearly it is an important project, and we are very keen to know whether the government is going to fund it in the next budget year.

Western Victoria Region

Mr RAMSAY (Western Victoria) (12:48) — My question is to the Minister for Training and Skills, Gayle Tierney, and it is in respect of the Glenormiston College campus. Ms Tierney has been in the media heralding the fact that the college is now open for business, that it has potentially 150 students enrolled doing certificate III in agriculture and that the sale has been concluded, with Volume Group being the successful purchaser. The information I have is in fact the opposite: there are no students enrolled, the sale has not been completed and in fact negotiations are still underway. So the question I pose is: how many students are enrolled in the certificate III agriculture course — being conducted by South West TAFE, presumably — and has the sale been completed with Volume Group, led by Dean Montgomery?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (12:49) — My constituency question is to the Minister for Public Transport. Many of my constituents in Williamstown are deeply concerned about the impact of sky rail on their suburb. They are most keen to tell the minister firsthand of their concerns. I am just as enthusiastic about facilitating a meeting between Williamstown locals and the minister to discuss this matter. Following on from my adjournment contribution of yesterday, when Minister Dalidakis refused to pass on my request for such a meeting, will the minister make herself available to visit Williamstown to meet with worried locals about the proposed level crossing removal?

The PRESIDENT — I have consulted with the minister, and I think that given the progress of where we are at with the legislation we might break for lunch early and resume the committee with the new amendments straight after lunch.

Sitting suspended 12.50 p.m. until 2.04 p.m.

JUSTICE LEGISLATION AMENDMENT (BODY-WORN CAMERAS AND OTHER MATTERS) BILL 2017

Committee

Resumed; further discussion of clause 1.

Mr RICH-PHILLIPS (South Eastern Metropolitan) (14:04) — I move:

1. Clause 1, line 6, after "police" insert ", custodial officers, emergency workers".

This is to amend the title of the bill to expand the cohort of emergency services workers that it will apply to. As I indicated in my second-reading contribution, the purpose of the coalition's suite of amendments — and I intend that we test it substantially on amendment 2 — is to expand the cohort of first responders who will be subject to the new regime around the use of body-worn cameras and tablet devices and provide the same exemption for those first responses from the current provisions of the Surveillance Devices Act 1999.

Our intention is that it be expanded to include not only ambulance officers, as proposed in the minister's amendment, which copies the previous amendments foreshadowed by the coalition, and custodial offers — and the minister will be well aware of the issues in the corrections system and the relevance of having that technology available in that environment — but also a definition of emergency workers that covers protective services officers (PSOs); ambulance officers, as previously referred to; operational officers in the Metropolitan Fire Brigade; operational officers, employee and volunteer, in the Country Fire Authority (CFA); and operational officers and volunteers in the Victoria State Emergency Service as well as Emergency Management Victoria.

This gives effect to our view that the same framework for the use of body-worn cameras and tablet devices should apply more broadly across first responders, not only to police as is currently in the bill, and to ambulance officers as proposed by the government.

Ms PENNICUIK (Southern Metropolitan) (14:06) — I have had a look at the opposition's amendments, and as I mentioned in the second-reading debate I think there is some merit in looking at custodial officers in particular to be covered by this legislation. I presume that where the wording of the bill refers to a police officer it does not actually include PSOs — that it is sworn police — because Mr Rich-Phillips's amendments include PSOs. That would be a query too. My question to the minister would be why PSOs are not covered if police are and, as the government's own amendments go to including ambulance officers, why custodial officers would not be included as well.

Ms TIERNEY (Minister for Corrections) (14:07) — The government does not support the amendments proposed by the opposition. These amendments would have the effect of extending the protections and responsibilities created by the bill for the use of body-worn cameras to custodial officers and to a broad range of emergency workers, significantly expanding the scope of the bill. The regulation-making power

created by the bill will allow for additional persons or classes of workers to be prescribed for the purpose of applying these same protections to them in the future, as that becomes necessary. The government considers that this is an appropriate mechanism that will allow for the consideration on a case-by-case basis.

The decision on the appropriateness would be based on a number of factors, including the policy and training developed by the organisation in relation to their intended use of body-worn cameras and storage of footage. If classes of workers or volunteers were prescribed without appropriate policies in place and training developed, there is a risk that individuals and the organisation will inadvertently commit criminal offences against the Surveillance Devices Act 1999 through the unauthorised recording and disclosure of private conversations. These offences carry heavy penalties, including terms of imprisonment and fines in excess of $30 000 for individuals and $190 000 for bodies corporate. The broad amendments proposed by Mr Gordon Rich-Phillips do not consider these complexities.

The broad range of organisations included in the opposition's amendment are not currently prevented from lawfully using body-worn cameras as an effective deterrent against occupational violence. Of course the government would consider a request for a prescribed class of workers or volunteers in a timely manner if the organisation identified a need to use body-worn cameras in the course of their duties.

In terms of custodial officers, body-worn cameras are currently used by a number of response units in prisons, including the security and emergency services group (SESG) and the emergency response group (ERG) in public prisons. In private prisons a limited number of appropriately trained staff members are authorised to use body-worn cameras. The body-worn cameras are also used by SESG personnel in youth justice facilities. Prisoners are already subject to a range of monitoring in prisons, including CCTV and the recording of telephone conversations. Therefore the use of body-worn cameras by response units in line with published Corrections Victoria guidelines does not raise any additional privacy concerns.

Corrections Victoria may seek to expand the use of body-worn cameras to other prison officers in the future, and the government will consider a request by Corrections Victoria to prescribe them for prison and other officers in a timely manner if a need is identified and the appropriate policies and safeguards are in place.

Ms PENNICUIK — Minister, thank you for that response. I was not aware of the use by the ERG and SESG. My question would be: how are they covered with regard to the Surveillance Devices Act 1999? The other question that you did not go to is about PSOs and whether there is an intention with PSOs or whether or not they are covered by the bill. I will let you answer that and then I will ask another question.

Ms TIERNEY — The PSOs are not covered. The mechanisms for coverage would be triggered by what I have already outlined in terms of a group of workers and there being a request from organisations to be included in regulations or indeed any future amendments.

Ms PENNICUIK — Thank you, Minister. That is a bit of a segue into my next question. Given this bill is specifically going to refer to police officers and ambulance officers, I would have thought that the inclusion of another class of workers, such as custodial officers or PSOs, should be included in the legislation and not by way of regulation because that, I think, creates an inconsistency in the principal act and the way the act works. I was glad to hear you say there will be further amendment to the legislation, but I wonder why in this instance protective services officers are not included, because in their daily duties they are interacting with the public pretty well all the time. In fact you would think they would be the perfect example of a group of workers who should actually be using these devices.

Ms TIERNEY — I think it is important to just go back and set the context. This bill was primarily driven as a result of the government's allocation of moneys to Victoria Police (VicPol) for body-worn cameras. It is by and large being driven by VicPol, it being VicPol specific. However, as we know, there has also been a pilot that has been running at Ambulance Victoria. This is not to say that in the future this will be restricted to only that group of workers, but it is true say that we want to have a vigorous look at policies and procedures that each and every organisation has in respect of the use of body-worn cameras.

Ms PENNICUIK — Minister, my other question was: how are the SESG and the ERG covered by the Surveillance Devices Act currently? Are they covered by it, in terms of this bill creating an exemption for police officers?

Ms TIERNEY — Their use by correctional staff in prisons is authorised by the commissioner for corrections.

Ms PENNICUIK — But in terms of what this bill is attempting to do, to make sure that the recording of such interactions does not fall foul of the Surveillances Devices Act in case of the police, how does that work with the ERG and SESG?

Ms TIERNEY — SESG and ERG staff using body-worn cameras would be subject to the provisions under the Surveillance Devices Act in that they could be prosecuted for recording a private conversation. However, there is much less likelihood of recording a private conversation in a closely monitored environment than, say, VicPol, having interactions in a public space such as Bourke Street.

Ms PENNICUIK — That is an interesting answer — thank you, Minister — and perhaps one I was anticipating. It is basically saying that if you are in a prison, you cannot have a private conversation; you would be expecting that. We could go on about that one for hours, but I will accept that as the situation. Perhaps I will look at that more closely in regard to the subsequent legislation. Thank you for those answers, Minister.

Mr RICH-PHILLIPS — Minister, you spoke earlier about the framework the bill is establishing — the fact that it applies to police officers and will also apply to prescribed classes of people, who may be prescribed, I presume, by regulation, although the bill is silent on that. Are there any limitations on who can be a prescribed person for these provisions?

Ms TIERNEY — Yes, I have confirmed that there will be no restrictions, but it will be the same process that we have in terms of regulations, and it will be before Parliament.

Mr RICH-PHILLIPS — Thank you, Minister. Given there are not any restrictions on someone being a prescribed person or a class of prescribed people, why has the government not elected to make ambulance officers prescribed persons under the regulation provisions in the same way you said the government would with respect to corrections officers or other cohorts of people?

Ms TIERNEY — That is because there is a pilot in place. There has been lots of discussion, and it has got to the point that there is agreement for ambulance officers to be covered under the provisions of this bill.

Mr RICH-PHILLIPS — Thank you, Minister. How is that different to the practice you have indicated has already taken place in various corrections facilities? In fact it is already happening.

Ms TIERNEY — There has not been a request by Corrections Victoria at this point in time. They have developed guidelines, and there are discussions about their plans about rolling out the use of body-worn cameras. Those discussions have not got to the point where they have sought to be included in that respect in this bill at this point in time.

Amendment negatived; amended clause agreed to; clause 2 agreed to.

Clause 3

Ms TIERNEY — I move:

2. Clause 3, after line 5 insert—

"'***ambulance officer*** means an operational staff member within the meaning of the **Ambulance Services Act 1986**;'.

3. Clause 3, line 6, omit "'***body-worn***' and insert "***body-worn***".

I look forward to any questions and discussion on these matters.

Amendments agreed to.

Mr RICH-PHILLIPS — I move:

2. Clause 3, after line 10 insert —

"***custodial officer*** means a prison officer or escort officer within the meaning of the **Corrections Act 1986**;

emergency worker means —

(a) a protective services officer within the meaning of the **Victoria Police Act 2013**; or

(b) an operational staff member within the meaning of the **Ambulance Services Act 1986**; or

(c) a person employed by the Metropolitan Fire and Emergency Services Board established under the **Metropolitan Fire Brigades Act 1958** or a member of a fire or emergency service unit established under that Act; or

(d) an officer or employee of the Country Fire Authority under the **Country Fire Authority Act 1958**; or

(e) an officer or member of a brigade under the **Country Fire Authority Act 1958**, whether a part-time officer or member, a permanent officer or member or a volunteer officer or member within the meaning of that Act; or

(f) a casual fire-fighter within the meaning of Part V of the **Country Fire Authority Act 1958**; or

(g) a volunteer auxiliary worker appointed under section 17A of the **Country Fire Authority Act 1958**; or

(h) a person employed in the Department of Environment, Land, Water and Planning with emergency response duties; or

(i) a registered member or probationary member within the meaning of the **Victoria State Emergency Service Act 2005** or an employee in the Victoria State Emergency Service; or

(j) a volunteer emergency worker within the meaning of the **Emergency Management Act 1986**; or

(k) any other person or body —

(i) required or permitted under the terms of their employment by, or contract for services with, the Crown or a government agency to respond (within the meaning of the **Emergency Management Act 2013**) to an emergency (within the meaning of that Act); or

(ii) engaged by the Crown or a government agency to provide services or perform work in relation to a particular emergency;".

This is the substantive amendment that gives effect to the principles we outlined before and expands the scope of the bill as previously discussed.

Ms TIERNEY — The government will not be supporting this amendment on the basis of the reasons I outlined earlier.

Ms PENNICUIK — On reflection the Greens will not support the amendment in this instance. We have prosecuted the argument in the committee why PSOs in particular and custodial officers probably should be included in this regime at some stage. I am not so convinced about volunteers in the CFA et cetera, but certainly I think that we should look forward to including more workers who come into contact with the public in these sorts of situations where matters can sometimes get out of hand. Certainly the evidence around the world shows that where there are these body-worn devices, it tempers not only the behaviour of members of the public in dealing with the police but also the police in dealing with members of the public. In fact the fact that people know they are being recorded does tend to moderate their behaviour — not in all circumstances, but certainly in some. However, in this case we will not support the amendment.

Committee divided on amendment:

Ayes, 20

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

Noes, 20

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Patten, Ms
Eideh, Mr	Pennicuik, Ms (*Teller*)
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Ratnam, Dr
Hartland, Ms	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr (*Teller*)	Symes, Ms
Mikakos, Ms	Tierney, Ms

Amendment negatived.

Clause agreed to.

Clause 4

Ms TIERNEY — I move:

4. Clause 4, line 21, after "police officer" insert "or an ambulance officer".

5. Clause 4, page 4, line 6, after "police officer," insert "an ambulance officer,".

Ms PENNICUIK — Minister, clause 4 inserts amendments into the Surveillance Devices Act 1999 under section 6(2), which deals with exceptions to the law under subsection (1) — that a person must not knowingly install, use or maintain listening devices to record private conversations to which the person is not a party without the express informed consent of each party to the conversation. The bill inserts new subsections to cover the overt use of a body-worn camera or a tablet computer by a police officer whilst on duty, and circumstances where the recording of a private conversation to which the police officer is not a party is inadvertent, unexpected or incidental to that use. But it also inserts a subsection saying that:

> … a police officer, a prescribed person or a person belonging to a prescribed class of persons is not required to inform a person that the person is being recorded with a body-worn camera or a tablet computer.

This is an issue I raised in the second-reading debate regarding the wording of 'overt'. I referred to the New South Wales legislation. Their legislation, the

Surveillance Devices Act 2007, with regard to what they call body-worn video, states in section 50A(1):

> The use of body-worn video by a police officer is in accordance with this section if …

and subsection (1)(b) says:

> the use of body-worn video is overt …

Under subsection (2) it states:

> Without limiting the ways in which the use of body-worn video may be overt for the purposes of subsection (1) (b), the use of body-worn video is overt once the police officer informs the person who is to be recorded of the use of body-worn video by the police officer.

My question is: why do we not reflect in our legislation what they have in the New South Wales legislation, which is that it is expected that the police officer will inform the person they are interacting with that they are being recorded unless it is impractical to do so?

Ms TIERNEY — Victoria Police have discussed with New South Wales police their legislative requirement to verbally advise members of the public when they are being filmed. Following these discussions and other work, Victoria Police formed the view that this requirement is not always practical in the often challenging environments faced by police. The bill instead relies on the ordinary meaning of 'overt', being open to view or knowledge and not concealed or secret. It is expected that the body-worn cameras will indicate when a recording is being made, but the precise mechanism will be decided by Victoria Police during the ongoing procurement process. Victoria Police will develop appropriate policies and guidelines for their use and will carry out a public education campaign prior to their rollout.

Ms PENNICUIK — Minister, I think your answer does not necessarily cover the points I made in the second-reading debate, because whether or not the police have guidelines the more important thing is what is in the act, and in New South Wales it is in the act that they are required to inform people unless it is impractical to do so. Your answer just said that in police discussions with New South Wales police they formed the view that it was not always practical to do so. If they were to use the same wording as New South Wales, that would cover the event where it is impractical to do so, so I am still not sure why the government has not followed the New South Wales lead in this regard.

Ms TIERNEY — The information that I have just provided is based on Victoria Police advice. They believe that what you are requesting is just incredibly difficult operationally.

Ms PENNICUIK — Thank you, Minister, for your answer. I am concerned with that answer because it is basically the police saying they are going to find it operationally impractical to do so. However, in other police forces they are required to do so — in the United Kingdom they are required to inform members of the public, in the United States they are required to inform members of the public and in New South Wales they are required to unless it is impractical to do so. I raised the issue before that it is not appropriate and it is not reasonable to expect members of the public to necessarily know that they are being recorded unless they are told they are being recorded. I also raised the issue of whether the requirement of police will be to have the device on at all times when they are interacting with the public and not just at times when they choose to. Could you provide me with some information as to when police will be required to actually have the devices turned on? Will they be required to have them turned on with every interaction and not at their discretion?

Ms TIERNEY — I will answer one part now and go to the second in a moment. It will be in April next year that Victoria Police will begin operational field testing of body-worn cameras for general duties police in two locations, and that will be followed in June next year by a trial of body-worn cameras in family violence matters. The general duties field testing will commence first to ensure police officers are properly trained in all aspects of the use of body-worn cameras before the family violence-specific trial. This operational field testing offers an opportunity to identify and address any issues with the equipment and its interface with other technology, such as radios and mobile technology, and will focus on logistical and resource requirements, including data storage and retrieval. This work will also examine and address any problems or opportunities the cameras might pose in operational settings, including the occupational health and safety of officers.

In terms of the actual turning on and off, police officers will be required to use body-worn cameras in an overt way. So that it is clearly visible, the camera will also have an indicator on the front to alert members of the public that the device is switched on and recording. There is an expectation that VicPol will have the camera on when interacting with the public.

Ms PENNICUIK — Thank you, Minister, for your answer. I am happy to hear the second part of the answer. I am still concerned about the first part, which is that there will be some signal indicating that the camera is on. As I said, I do not think it is reasonable for members of the public to necessarily know what is happening unless they are informed. I do not think it is an onerous burden on the police to inform people that they are being recorded in all but the most impractical of circumstances, and even in those circumstances there may be still an opportunity at some stage to inform people.

I do not want to just keep trawling over this ground except to say that while the trial is on and while the government is considering the next tranche of this legislation it should not always just take the view of the police about how it will affect them. What we are doing here is in fact giving the police another set of powers, the powers to record people, and with those powers there needs to be some responsibility. The way the act operates should be in the public interests and not just in the interests of the police and their operational wishes. So I would certainly encourage the government to consider inserting wording similar to that in New South Wales and other jurisdictions around the world where this is in place, because I think not having it in our legislation is a gap. That is all I would say on the matter now, given that we could just keep going over the same ground: that the government should be looking at the public interest and not just at what the police think is best for them.

Amendments agreed to; amended clause agreed to.

Clause 5

Ms PENNICUIK — I have no further questions on clause 5, because I think we have really covered the issue in questions on clause 4.

Ms TIERNEY — I move:

6. Clause 5, line 19, after "police officer" insert "or an ambulance officer".

7. Clause 5, page 5, line 4, after "police officer," insert "an ambulance officer,".

Amendments agreed to; amended clause agreed to.

Clause 6

Ms TIERNEY — I move:

8. Clause 6, line 15, after "police officer" insert "or an ambulance officer".

Amendment agreed to; amended clause agreed to.

Clause 7

Ms TIERNEY — I move:

9. Clause 7, lines 24 to 34 and page 6, lines 1 to 22, omit all words and expressions on these lines and insert—

'(1) After section 30F(1) of the **Surveillance Devices Act 1999 insert**—

"(1A) Without limiting subsection (1), local protected information obtained from the use of a body-worn camera or a tablet computer by a police officer or an ambulance officer acting in the course of the officer's duty may be used, communicated or published for—

(a) the education and training of police officers or ambulance officers, as the case requires; or

(b) any prescribed purpose.

(1B) Without limiting subsection (1), local protected information obtained from the use of a body-worn camera or a tablet computer by a prescribed person, or a person belonging to a prescribed class of persons, acting in the course of the person's duties in the prescribed circumstances may be used, communicated or published for—

(a) the education and training of prescribed persons or persons belonging to the same class of prescribed persons; or

(b) any prescribed purpose.".'.

10. Clause 7, page 6, line 31, after "police officer" insert "or an ambulance officer".

They provide some clarification.

Amendments agreed to.

Ms TIERNEY — I move:

11. Clause 7, page 6, lines 32 to 34, omit "to record a private conversation or a private activity".

12. Clause 7, page 7, lines 7 to 8, omit "to record a private conversation or a private activity".

Amendments agreed to; amended clause agreed to; clauses 8 to 10 agreed to.

Long title

Ms TIERNEY — I move:

13. Long title, after "police" insert ", ambulance officers".

Amendment agreed to; amended long title agreed to.

Reported to house with amendments, including amended long title.

Report adopted.

Third reading

Motion agreed to.

Read third time.

PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2017

Second reading

Debate resumed from 7 September; motion of Mr PULFORD (Minister for Agriculture).

Mr DAVIS (Southern Metropolitan) (14:52) — I am pleased to rise and make a brief contribution to the Parks and Crown Land Legislation Amendment Bill 2017. I want to lay out first that the opposition will not oppose this bill. We have a couple of questions that we want to follow through with, but I am going to outline some of the key points here.

The bill in essence is a very modest bill. It adds Anglesea Heath to the Great Otway National Park. It makes additions and excisions to other parks and reserves. It changes the name of the Canadian Regional Park to Woowookarung Regional Park — forgive me if my enunciation of that is not perfect. It changes the name of Mount Eccles National Park to Budj Bim National Park. It amends the approach to making, varying and revoking codes of practice for the Conservation, Forests and Lands Act 1987. It streamlines the process for appointing litter enforcement officers for Crown land. It amends the definition of 'central plan office' to create a universal definition across legislation, and this is a consistency measure alone.

It reduces the reporting requirements for the Royal Botanic Gardens board and the Zoological Parks and Gardens board, and I pay tribute to the work of both of those very important boards. The botanic gardens is a great heritage asset for Victoria and a tribute to the foresight of our pioneers, who understood that such botanic gardens were a very important asset for our city. And with the Zoological Parks and Gardens board too, if I can make one comment there, I think the zoo goes from strength to strength. I again pay tribute to the work that is done there, noting that I think we are about to head into a summer season of activity at the zoo. I welcome the opening up of the zoo in a constructive way for the community through its summer music series and summer picnic series, all of which are really important access points.

The bill confers on the minister power to prescribe sitting fees and allowances for the National Parks Advisory Council, parks advisory committees and the Reference Areas Advisory Committee. It allows employees of the public sector to receive payment for service on the Victorian Environmental Assessment Council (VEAC) and the Zoological Parks and Gardens board. I must say that this is a longstanding vexed issue with public sector employees who are, for various reasons, on different boards. I know from my time as Minister for Health we did not have people paid who already held a payment as a salary from the public. There are good arguments in both directions. I think probably on balance it falls against this provision, but nonetheless as I said there are good arguments in both directions.

It provides that the botanic gardens and zoological gardens boards be responsible for the appointment and remuneration of their CEOs. It removes the prohibition on the gardens board carrying out a business selling plants to visitors to the gardens at South Yarra and Cranbourne. Look, you would not want to see the botanic gardens become a mighty Bunnings or a garden shop. I think they have got a different role to that, I must say, but not inherently, particularly if it is a special focus for a unique plant or something that is threatened or a point that the gardens are trying to make more broadly. And the bill confers on the minister power to approve a lease or licence proposed to be granted.

I should note that the opposition has consulted heavily with relevant bodies, including local governments impacted, and there are no objections to this bill, although there are some changes. Most of these are, as I say, uncontroversial minor changes. In some cases it reduces the amount of regulation and provides a more streamlined process for the machinery of government. It is arguable that these changes to the various boards do better reflect best practice.

I note that the changes to VEAC are also significant, and we have got to be careful to ensure that VEAC's independence is maintained. Now, I am not saying that there is nothing to be contributed by the wealth of knowledge in the public service, but VEAC has a very important independent role. We need to make sure that that independence is in fact maintained not only in the actuality but also importantly in the appearance.

As I say, this is a modest bill. It is not a bill that I think there is a great deal of controversy about in and of itself. I think the many other things in this portfolio that

are controversial are not the subject of this bill, and in that sense the opposition will not oppose it.

Mr LEANE (Eastern Metropolitan) (14:58) — I appreciate the opposition's support for this bill and agree with Mr Davis that there is routine business that gets done with these sorts of bills annually or biennially, when there need to be adjustments and inclusions made to certain areas of Crown land. I suppose the most important part of this bill is the addition of Anglesea Heath to the Great Otway National Park, which delivers on an actual election commitment. In saying that, the government would like to acknowledge the groups that have supported this over the years: the Anglesea, Aireys Inlet Society for the Protection of Flora and Fauna; the Australian Conservation Foundation; the Geelong Environment Council; and the Victorian National Parks Association. We appreciate their support and their advocacy for this to happen, and we are very pleased to be able to deliver on that.

Also some of the aspects of this bill include formally renaming the Mount Eccles National Park and the Canadian Regional Park to their Aboriginal names.

Mr Morris interjected.

Mr LEANE — I agree with Mr Morris that it is a great park, and it is great to see that we are acknowledging the traditional owners of the land in respectively renaming those parks the Budj Bim National Park and the Woowookarung Regional Park. I also agree with Mr Davis that the botanical gardens should be exempt from a large Bunnings being placed there. I think we have not agreed with anything more than that in the whole time we have been together. I think that is a very good thing to point out — that we should keep Bunnings out of our botanical gardens.

This bill builds on our government's commitment to the environment and national parks. Since we have been in government we have legislated to reinstate the ban on cattle grazing in the High Country.

Mr Ramsay — Shame!

Mr LEANE — We have removed the cows. I cannot remember what you tried to call them; you did not even call them cows. I cannot think of the name of it; it was fantastic.

Ms Pennicuik interjected.

Mr LEANE — I think Ms Pennicuik might remember. It was fantastic. You did not even call them cows. It was vegetation removal units (VRUs) or something fantastic like that. We removed the VRUs from the High Country. For a period of time they were the luckiest cows in Victoria to get the High Country all to themselves. There were only so many getting stuck into the endangered species, eating whatever they wanted. It is a smorgasbord up there. I remember the arguments. What happens is there is a lead cow and the lead cow leads the other cows away from the endangered species. Remember that one? That was fantastic.

Mr O'Sullivan — I raise a point of order, Acting President. Mr Leane, they are referred to as cattle, not cows. Cows are the female version; 'cattle' covers all of them.

Ms Shing interjected.

The ACTING PRESIDENT (**Ms Dunn**) — Thank you for your assistance, Ms Shing. Mr O'Sullivan, there is no point of order.

Mr LEANE — I appreciate Mr O'Sullivan's help. I thought he was going to raise a point of order about relevance, which I was actually going to uphold because I did go off the track and I want to get back on it. If only I had a lead cow to keep me on track.

Mr Davis — On a point of order, Acting President, that phrase has been used in a very unfortunate manner in this chamber in the past and has been ruled upon by the President. I am hopeful that the member is not making reference to those earlier conversations in this chamber.

The ACTING PRESIDENT (**Ms Dunn**) — Mr Davis, there is no point of order.

Mr LEANE — Mr Davis, I cannot remember what you are talking about. You have got a fantastic memory. There is another concession that I will make to you — that there should not be a Bunnings in the botanical gardens and that you have got a better memory than me, Mr Davis, so congratulations to you.

Going back to the government's record on making sure our environment is protected, we have legislated to establish the Canadian Regional Park as a national park, which will now obviously pick up its correct Indigenous name, which I think is fantastic; completed a full review of Environment Protection Authority Victoria, which was obviously needed and called for; conducted significant stakeholder discussions for a new marine and coastal act; reformed the Flora and Fauna Guarantee Act 1988; allocated record investment in this area as a number one; and had record numbers going

through Zoos Victoria locations, which is very important as well.

Also this government in terms of protecting the environment and agricultural land as well, I have got to say — not just the environment and our parks — has banned the act of fracking in Victoria. I thought that was a bipartisan approach, but obviously there are cracks coming through. There is some sort of high pressure being applied to the Victorian coalition that is forming cracks in their policy and cracks in the commitment they made when the legislation was passed. I do not know if they can withstand the pressure that has been put on them by Malcolm Turnbull to save his own job. We hope they do, but at the moment there is a ban on fracking, which is a fantastic thing I think for our state and our clean, green reputation. In saying that, I thank the opposition for their support of this bill, and we hope it has a speedy passage through this chamber.

Mr MORRIS (Western Victoria) (15:07) — I do rise to make a contribution to the Parks and Crown Land Legislation Amendment Bill 2017. I will certainly try to be a little more relevant to the bill than Mr Leane was in his contribution. I note that there are in this bill a number of existing parks and the like whose names are going to change. I want to make reference to one particular park, which was the Canadian State Forest and then became the Canadian Regional Park, which I note actually represents a failure of this government to keep an election commitment.

Mr Davis — We have spoken about that in this chamber before.

Mr MORRIS — We have, because it was not supposed to be the Canadian Regional Park, it was supposed to be the Canadian state park, and that was a commitment that Geoff Howard, the member for Buninyong, and the Premier himself made at the park prior to the 2014 election. But what was discovered after the fact was that the government had not done their homework. As is often the case, they were very scant on detail and they did not understand that by creating a state park many of the current uses of what was the Canadian State Forest at the time would no longer be permissible. The many people who ride their horses or take their dogs for walks and runs through the forest would no longer be allowed, so the government was forced into an embarrassing backflip on that particular matter. It is one that I actually believe will achieve a better outcome in the end. It is just disappointing that the government when they were in opposition did not do their homework correctly and appropriately and they were forced to make somewhat of a backtrack on that particular incident.

I note that what is at the moment the Canadian Regional Park will be renamed the Woowookarung Regional Park. That is to acknowledge an Indigenous name associated with the particular area. When this park becomes the Woowookarung park it will achieve something that the government set out to do with the initial bill that changed the name of the Canadian State Forest to the Canadian Regional Park.

One of the issues associated with this has been that I have been quite concerned about the cost of changing the name of this forest in such quick succession. I felt that if the government was going to change the name of the park it would have been better off doing it once and once only, because the government has spent several thousands of dollars putting new signs in what is now the Canadian Regional Park, only for it to be renamed in a very short space of time and have all those replaced. This is just another example of government waste. Rather than putting those signs in, they should have waited until the new name of the regional park had been decided on and announced and progressed ahead. I believe this was more of a political opportunist action rather than anything else — rather than it being an economically prudent action from this government.

Some of the history behind the Canadian State Forest is that there have been some unfortunate incidents that have happened there in the very recent past. It was in January 2016 when there was an attempted armed robbery in the then Canadian State Forest. It was by a 16-year-old who approached a vehicle with a knife and tried to rob the occupants of the vehicle, which was parked in the forest at the time. Unbeknownst to the 16-year-old, the people that he was trying to rob were actually undercover police officers, so it did not end all that well for that young person, who was quickly arrested by the police officers and taken into custody.

It is fortunate that this incident did not result in any significant injury or the like. It is a reminder of the hard work that our police officers do and another reminder of the fact that this government has failed to protect police officers by introducing a specific offence for ramming police cars, which is something that is occurring in Ballarat all too regularly and all too often. It is something that I am very passionate about, and I am very passionate to see the government actually keep their promises and keep their word on what they have said. I have said it before. Ten weeks ago the minister said, on 9 August, that legislation to enact a specific offence of ramming a police car would be introduced within weeks. We are now months past that time frame,

and I once again call on the minister and say that you need to keep your word to our hardworking police officers and introduce the legislation that you committed to.

The Woowookarung Regional Park is a fabulous facility, and I am quite fortunate to live just a couple of hundred metres away from it. On quite a regular basis I take Gus the groodle for a run through the soon-to-be-named Woowookarung Regional Park; it is a magnificent spot. I actually recently took my children for a bit of a barbecue in there. They had a ball; it was fabulous. It is a lovely part of Ballarat and one that I am pleased will be protected into the future for future use by Ballarat residents and the surrounding community. I note that there is a significant orienteering community in Ballarat that use the forest on a very regular basis, as well as others who are out there just enjoying walking through the place.

It is unfortunate that some people have taken to dumping rubbish in the forest, which is something that has been a continual problem for a period of time and something that I am pleased the Ballarat council certainly do attempt to address where they can, but it does fall to the community to ensure that they are respecting our spaces such as the forest itself. It is not just, unfortunately, general household rubbish. Burnt-out cars are occasionally dumped in the forest, which is extremely concerning and something that I would certainly like to see this government address in some way to ensure that this does not occur, as it is presently, into the future.

I note that this is a bill that the opposition is not going to oppose, and I certainly support wholeheartedly that approach to this bill. I look forward to hearing contributions from fellow members of the house as we move forward. At this juncture I will conclude my contribution to the house.

Mr RAMSAY (Western Victoria) (15:14) — I would like to make a contribution on the Parks and Crown Land Legislation Amendment Bill 2017. I was actually going to speak directly to the bill, but Mr Leane has given me the opportunity to perhaps respond to some parts of his contribution that quite literally made no sense at all. Despite the fact that Mr Leane's understanding of breeds of cattle was demonstrated as being very poor in his contribution, the fact is that they made a significant contribution to the maintenance of not the high alpine areas of the High Country but the low-lying areas, the less sensitive areas, where they actually kept weeds down to a minimum and they helped reduce the fuel loads. Obviously the owners of those cattle provided significant oversight and management of the High Country. Sadly we now see significant weeds infesting the High Country due to lack of maintenance and a lack of oversight by the High Country farmers who had the licence to run the very small amounts of cattle — less than a hundred, as it turned out in the end — to make a significant contribution to the maintenance. I digress, but I did want to make the point to Mr Leane and his colleagues on the other side that that small number of cattle played a significant role in the maintenance and care of the High Country when they were able to graze those low-lying alpine areas.

The purpose of the bill is to add, as Mr Davis has indicated to the house in his contribution, the Anglesea Heath into the Great Otway National Park. Of course Anglesea is a beautiful seaside resort. It is interesting that it has taken less time to introduce the Anglesea Heath into the Great Otway National Park — assuming this bill gets through — than it has to get the Anglesea roundabout upgrade to provide a smooth flow of traffic through that town. It has taken longer to have that roundabout put in place than it has to have the Anglesea Heath made part of the Great Otway National Park. It appears that the Andrews government is happy to move quickly in relation to this issue but is not so quick to have VicRoads provide a safe and continuous flow through the hamlet of Anglesea.

The bill also makes additions, excisions and corrections to other parks and reserves. Mr Morris talked at length about his fondness for the Canadian forest, as it was then, before Geoff Howard in the Assembly decided to call it the Canadian state park, and now we know the reason that was a shambles. There was a quick retreat by the Andrews government to call it the Canadian Regional Park and now of course political correctness has invaded this space and we will be calling it the Woowookarung Regional Park.

While it seems to be very fashionable in the Andrews Labor government to change names of parks, streets, hills, mountains and rocks, it is important not to forget the history of why those places were named in the first place. Communities have very strong attachments, including to the Canadian park — I suspect Mr Morris might know better than I do why it was called the Canadian park in the first place, but I assume it had some link to Canada or Canadians. Suddenly the Andrews government in one brushstroke has taken out all that history and all that connection to those communities and decided to give it an Indigenous name that, importantly, no doubt has a connection to that park as well.

We see the same again with Mount Eccles, which was fondly named by Major Mitchell and recognised by those communities around Macarthur and beyond, with Mount Eccles National Park having its name changed to Budj Bim National Park, which again is the Andrews government trying to be fashionable — with the stroke of a brush again it is removing people's very close connection to the name of Mount Eccles. I remember it well from my childhood. Now it will have a name change.

The bill also amends the approach to making, varying and revoking codes of practice under the Conservation, Forests and Lands Act 1987. It streamlines the process for appointing litter enforcement officers for Crown land, which is important, because I have noticed the government's ongoing locking up of these national parks and in fact the extensions of these national parks, with the Greens' support. We are going to have some debate in this house soon in relation to a proposal to add a further 305 000 hectares of land to a national park, which the Greens will no doubt think is a great idea —

Ms Dunn — We are very fond of national parks.

Mr RAMSAY — Except they are not willing to actually help fund the maintenance and care of these parks. They are more than happy to go in and disrupt normal law-abiding practices of timber collection — to chain themselves to trees, spike the tyres of vehicles, generally be a nuisance and cause financial damage — but at the same time they have their hands very much in their pockets in terms of supporting and calling for funding for the maintenance of these parks that are growing by the day.

The bill also amends the definition of 'central plan office' to create a universal definition across legislation for consistency, and that seems to me to be a good and practical idea. It reduces reporting requirements for the Royal Botanic Gardens board and the Zoological Parks and Gardens board, again reducing some of the red tape and regulation around the reporting requirements. It confers on the minister powers to prescribe sitting fees and allowances for the advisory councils, committees, reference groups and all others that sit around and chat about all things environmental and parks and Crown land. It allows employees of the public sector to receive payment for their service on the Victorian Environmental Assessment Council (VEAC). I would love to be able to talk about VEAC, but time will not permit it today. I have had considerable engagement with VEAC. I will leave my report on that council for another time.

The bill also removes a prohibition on the Royal Botanic Gardens board carrying out the business of selling plants to visitors to the gardens at South Yarra and Cranbourne. I love the Royal Botanic Gardens. I fondly remember my grandmother taking me through the gardens when I was five years old — feeding the ducks, which I am pleased to see are still there, and going to the cafe that is on one of the lakes. Whenever I am in Melbourne and have a spare hour I try and make a purposeful visit to see what the curators are doing to the gardens. We are very lucky to have a jewel in the crown like the Royal Botanic Gardens in the city centre, in the CBD, where people can enjoy that freedom of space and engagement with nature. So I strongly support anything that we do as legislators to improve the operation, maintenance and enjoyment of the gardens.

The bill makes other minor and consequential amendments. I do not intend to delay the process of this bill's passage through the house. On that basis I note that the opposition does not oppose the bill.

Ms DUNN (Eastern Metropolitan) (15:23) — I rise to speak on the Parks and Crown Land Legislation Amendment Bill 2017. I am going to focus my contribution on one section of the bill. The bill does many, many things; however, there is one specific part of it that has caught the eye of the Greens, and that is the section that amends the Conservation, Forests and Lands Act 1987 to provide for a more efficient approach to making, varying and revoking codes of practice under that act.

The bill amends sections in the Conservation, Forests and Lands Act that set up processes for making and amending the *Code of Practice for Timber Production 2014*. This code is the main instrument that regulates environmental management in logging coupes and includes the rules to protect threatened species found in logging areas. We know that these rules are already weak and not wholly fit for purpose. Furthermore, their application by VicForests is frequently found wanting. There have been numerous cases over many years where VicForests has failed to detect greater gliders and Leadbeater's possums, among other species, in prelogging surveys. There was also the disturbing case in June when a dead koala was found among felled trees in a logged coupe in the Acheron Valley. It has fallen to citizen scientists to find these individuals and colonies and to protect them. While these rules are weak, the Greens oppose any effort to make it easier to dilute these rules even further. We therefore are proposing an amendment to the bill, and I would ask if that amendment could be circulated at this point in time.

Greens amendment circulated by Ms DUNN (Eastern Metropolitan) pursuant to standing orders.

Ms DUNN — Presently all proposed variations to the code must be the subject of public comment; there are no exemptions. The code has very specific obligations in relation to biodiversity and community. The code incorporates management standards and procedures that must be complied with, and it is based on six principles:

1. Biological diversity and the ecological characteristics of native flora and fauna within forests are maintained.

2. The ecologically sustainable long-term timber harvesting capacity of forests managed for timber harvesting is maintained or enhanced.

3. Forest ecosystem health and vitality is monitored and managed to reduce pest and weed impacts.

4. Soil and water assets within forests are conserved. River health is maintained or improved.

5. Cultural heritage values within forests are protected and respected.

6. Planning is conducted in a way that meets all legal obligations and operational requirements.

The code consists of mandatory actions that are to be conducted in order to achieve operational goals. Failure to undertake a mandatory action results in a non-compliance with the code.

The code states:

> Long-term forest management planning must:
>
> i. meet the requirements of this code and the management standards and procedures;
>
> ii. provide for the perpetuation of native biodiversity;
>
> iii. maintain a range of forest age classes and structures;
>
> iv. identify and mitigate impacts on all cultural heritage values;
>
> v. minimise impact on water quality and quantity within any particular catchment;
>
> vi. minimise adverse visual impact in landscape sensitivity areas; and
>
> vii. facilitate effective regeneration of harvested forest.

The code specifically references community, and it is at this point that we are very concerned, because at the moment the way the bill stands it seeks to change the community consultation obligations in the act. In relation to the timber code of practice it states in its background:

> Over the past several decades, other users and uses of forests, such as biodiversity protection, clean water and recreation opportunities have become increasingly important to the community. An expanded network of national parks and other conservation reserves have been declared in areas that were once available for timber harvesting, and public scrutiny of timber harvesting operations is now acknowledged as integral to the right to use this natural resource.

The code goes on:

> Why a code of practice for timber production?
>
> Maintaining the benefits to society provided by the timber industry depends on balancing community needs and concerns with careful stewardship and responsible management. The effective implementation of a code of practice helps to ensure that timber production is compatible with the conservation of the wide range of values associated with forests, and of any such values associated with land on which commercial plantation development is proposed.

In terms of forest management planning the code also refers to community in that it states:

> It is important to ensure that forest management is responsive to changing community expectations, expanding knowledge of forest ecosystems and techniques to improve planning approaches.

There are some significant obligations in relation to biodiversity, and in fact the section of the code headed '2.2.2 Conservation of biodiversity' contains mandatory actions. The most important and significant of those are:

> 2.2.2.1 Planning and management of timber harvesting operations must comply with relevant biodiversity conservation measures specified within the management standards and procedures.
>
> …
>
> 2.2.2.4 During planning identify biodiversity values listed in the management standards and procedures prior to roading, harvesting, tending and regeneration.

It is a very significant document, and it is important that those obligations are met, but we are actually seeing at the moment on the ground that those obligations are not being met, because we continue to see that logging continues in our forests where threatened species are present, and it is up to citizen scientists to identify that there are threatened and endangered species present there.

This bill allows for the creation of an exemption from the requirement that the minister must publish and seek comment on all amendments and variations to the code if the minister is, and I quote:

> … satisfied that the draft code of practice or proposed variation of a code of practice is of a fundamentally declaratory or machinery nature.

The Greens are not convinced that there is an acceptable threshold as to what can be considered declaratory or rudimentary to the forestry industry — maybe a significant change to management practice in terms of impacts on the environment. It allows a loophole for a minister to obfuscate changes to practice that may be of concern to the public.

Secondly, where public comment is sought on new, amended or varied codes the minimum public comment is reduced from the current 60 days down to 28 days. Codes of practice are very lengthy documents, such that it is very difficult for members of the community, lawyers and forestry experts to get across new codes and provide meaningful feedback within 28 days.

Both of these events are completely at odds with the principles of community involvement, open government and accountability. The state forests belong to the people through the Crown; it is imperative that access to information on how forests are logged in this state is not further restricted.

The code regulates an area which is the subject of significant community concern — environmental and threatened species protections in logging areas — and the public should be given a reasonable period to comment on proposed variations. There should certainly be no exemptions from the requirement to publish variations and seek public comment.

The Greens will support the bill. However, we remain concerned about changes to the making, varying and revoking of codes of practice, and I will talk a little bit more to that when the bill moves into committee stage.

Mr JENNINGS (Special Minister of State) (15:32) — I have been associated with many, many reforms to the parks and Crown land system — the national parks system — in Victoria over many, many years. I am very happy to yet again take to my feet to support another initiative of our government in terms of trying to make sure that we add to our conservation reserve system and that we have an appropriate reservation system that provides for the protection of biodiversity and other important environmental values, that we make sure that our rich environment is protected and maintained for community access into the future in a sustainable way and that we try to make sure of the designation of the way in which we undertake our responsibilities in terms of the practice of protecting those values, whether they be through the discipline of our agencies who are charged with the responsibility of caring for them or the guidance that we provide to the community about the appropriate way to relate to our natural environment into the future.

Sometimes that means that you make variations, whether they be machinery of government variations, whether they be administrative changes or whether they be codes of behaviour. Interestingly enough — and this is the important issue that Ms Dunn and I are going to tease out a bit — at the moment if you change the name of a department or an agency and that is the only thing that you do, it is the only thing that would impact upon the type of code that might apply to the regulatory environment about how we use our natural resources. The net effect of what Ms Dunn is trying to protect when we get into committee is to say that that name change, which may be the only thing that we need to reflect, would take 60 days and public consultation to acquit.

From the government's perspective, that is a fairly burdensome administrative arrangement. Ms Dunn may have some policy concerns about what might happen in relation to the content of codes of practice, but what she is defending through her amendment will be basically a very inefficient regulatory environment in terms of its administration. We will tease out those issues a little bit. That is the issue between us as we go into committee, and I will explain to the committee why that is the case.

I thank members of the chamber for their support for this ongoing piece of reform. I thank my ministerial colleague and her team who provided her with the advice and the recommendations that will see us adding to our reserve system in this way.

I note that many members of the community will feel vindicated in their enduring support for better environmental protections. In fact that applies right across the landscape — from the Castlemaine diggings, the Otway Forest Park to the Canadian Regional Park, as it was formerly known, now known as Woowookarung Regional Park. There are some further amendments to the Greater Bendigo and Great Otway national parks as well as the adding of land to the Croajingolong National Park and, for completeness, the Lower Goulburn National Park and the Warrandyte State Park. So I think there is a net improvement to the park regime in Victoria.

There has not only been the change in Ballarat in relation to its regional park. I am very pleased to say that I officiated at the renaming of Mount Eccles National Park to Budj Bim National Park, correcting a historical anomaly. If need be, I will talk at great length about that in the committee stage, but probably I will not be asked about it. The extraordinary thing about that park is that it should never have been known by that name. In fact it was a blot on history. The land titles

office actually recorded the wrong name and it then was the name of that park for about 150 years. Thankfully the community and the government saw the wisdom of actually restoring it to —

Mr Ramsay — You tried to rewrite history.

Mr JENNINGS — No, I do not think so. Can you tell me who Mount Eccles National Park was named after?

Mr Ramsay interjected.

Mr JENNINGS — Well, you are the one accusing me of rewriting history, yet —

Mr Ramsay — You have.

Mr JENNINGS — I do not think I have rewritten history, Mr Ramsay. Do you actually know who Eccles was?

Mr Ramsay interjected.

The ACTING PRESIDENT (**Mr Morris**) — I might at this point ask members to make their remarks through the Chair.

Mr JENNINGS — What is known, Mr Ramsay — the real history of the situation — is that Major Mitchell named Mount Eccles, but he did not really name it Mount Eccles; he named it after his friend whose name was Eeles. They did military service with one another. In the land titles office a blot on the handwritten ledger was reinterpreted from Mount Eeles into Mount Eccles, and that name stayed on the Victorian statutes for over 150 years.

Now, I think the people of Victoria should be very happy that not only did we correct that historical anomaly but in fact we gave a name that is befitting for the importance of the cultural heritage of this landscape, the Gunditjmara people of this landscape, the people who actually say that Budj Bim is the name of the mountain, the volcanic structure in the middle of this park which is an important part of not only our cultural heritage but the lifestyle that was developed in the lava flow from that mountain to the sea, and the lifestyle and continuous habitation that took place for 10 000 years —

Mr Ramsay interjected.

Mr JENNINGS — That is the history, Mr Ramsay. You may or may not choose to recognise that history. You may choose to ignore that history time and time again, but I would encourage you to get in touch with that history, to be proud of that history, to support the original people of this country and to be proud of it. That would be a good day for you as a representative for that community.

My colleague Ms Tierney is actually a very enthusiastic supporter of that history being understood and supported. She has come into the chamber specifically to give me some encouragement in the correcting of that history. That is a feature of this piece of legislation. I am pleased that that has occurred. I am pleased that the Gunditjmara people now feel a greater sense of respect from and regard shown by this Parliament and by the Victorian government and that they play an important role in the management of that park now and into the future.

Beyond that, which probably warranted a piece of legislation in its own right because of its significance, there are a number of other important changes in relation to the administration of the Royal Botanic Gardens, something which is again a wonderful feature, in this sense a created form, of the environmental values that we should be so richly proud of in our community. In fact our colonial heritage had some regard for the botanical significance and the environmental values, for that matter, from around the world being a feature of the Victorian parks system.

With that degree of enthusiasm I thank Mr Ramsay for probably lifting my pulse rate in relation to making sure that I identified quite correctly —

Mr Ramsay interjected.

Mr JENNINGS — I think the Victorian people should be pleased with the net result of this piece of legislation, because it is adding to our national parks system, our reserve system, our respect for cultural heritage and the way in which we administer the running of the parks system. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

Ms DUNN (Eastern Metropolitan) (15:44) — I invite members to vote against this clause. I highlighted in my contribution to the second-reading debate that presently there are no exemptions in relation to varying

the code, and that is the timber code of practice I refer to quite specifically. At the moment all proposed variations to that code must be subject to public comment; there are no exemptions. I do note that the bill does allow a disallowable instrument in relation to variations to the code, but given there is little community confidence and in fact a lot of community suspicion as to the rigour of the code of timber practice, a disallowance, it is our view, is simply not strong enough. We say in relation to the code that 60 days should be maintained as the consultation period in relation to changes to that, and to do anything less is not giving the community the full opportunity to engage with any changes to the timber code of practice. Therefore I do hope to get support in relation to my amendment.

Mr JENNINGS (Special Minister of State) (15:45) — Ms Dunn, the government is not in a position to be able to support your amendment, and I will explain to you in a minute why. In terms of the intention of the government's policies within the bill before the chamber, I want to go really to the heart of what you have just indicated in your concluding remarks — that a disallowable instrument is not enough protection and that consultation provides more protection. I think probably philosophically and legally I might differ, and I ask you to reflect whether on balance you ultimately believe that. In relation to the strength of the regulatory environment, I say to you that the disallowable instrument being determined by the Parliament is a stronger framework than what might be an obligation to consult with the community. You and I might agree that consulting with the community is an important thing; we might be differing at this moment about how important it is for this particular matter.

Ultimately at the end of the day the regulatory environment, just like pieces of legislation, is determined by the will of the house. If the will of the house is that there is not sufficient environmental protection — whatever the concerns of the community may be on the adequate description of appropriate sustainable use of any natural resource activity and the way in which humans have a connection to it, either by passive or productive relationships with our environmental values — those codes are meant to regulate the way in which the community goes about interacting with our natural landscape.

I know that many of the concerns you have been associated with over time are valid; I am not disputing that. I know that many of the concerns that you represent on the part of your community and your constituency are valid in relation to protecting environmental values. I know that there might be some unresolved policy matters between us, but as a general rule I am very accepting of the concerns that you often bring to this chamber in relation to adequate protection of environmental values. The government's intention is not to deny an appropriate degree of consultation for those types of codes of practice. Indeed this piece of legislation still allows for a minimum of 28 days for any variation, which again should be understood to be a minimum.

The reason the government introduced the bill in this form is twofold. One is because the interlocking aspect of the Subordinate Legislation Act 1994 and the various prescriptions within this act have led to a duplication of effort, so sometimes the process doubles up and can actually be very inefficient in relation to making changes that may be very simple to make. The example that I gave in my summing up of the second-reading debate was one of those examples. I gave the example that if in fact an agency had its name changed, then under current legislation — and indeed if your amendment is successful — just the inclusion of that name change would then have a minimum of 60 days before it would take effect, which we think is counterproductive.

We actually think the intention of the government's actions are to enable, where there is a variation to the code of a declaratory or machinery nature such as what I have just indicated — it is a matter that just clarifies something that either by statute or authority has the ability to be made in any case, for instance who the secretary of the department or the agency is that is involved with the oversight of the code, what the name of the department is or what the name of the region is that may apply to that code — those things to be within the power of the minister or the delegate that is actually ascribed in legislation. If that can be made unchallenged in an administrative fashion, then that should be able to be incorporated immediately. That is really what we are actually saying.

When we are talking about matters where there may be contested views, advice that needs to be sought or consultations required, the government's intention is that there be a minimum of 28 days for that. We think that with the effect of your amendment, the minimum time frame would be 60 days. I know that you are concerned about environmental protections going backwards. I know that is what your concern is. Let me actually just contrast. If the code was going to be amended to make it more progressive from your perspective —

Ms Dunn — I look forward to that.

Mr JENNINGS — Yes, in fact you may not be alone in that regard. I may have been in the Parliament at the time that the very first code of practice was introduced for forest activity — it was the 14th century; no, it was not quite that long ago, but quite some time ago — so I understand the importance of this. But I am actually saying that if there is an additional armoury of environmental protection that should be inserted into the code of practice instantly, the irony is that your amendment will make it slower. I know what you are concerned about, but the effect of what you want is that you will slow down from what your perspective could be a positive, progressive and affirming modification by the effect of your amendment. That is the reason why the government on balance does not accept your amendment. We think the balance would be better calibrated in a way that makes these changes efficient and timely. They do allow for community consultation and consideration, and we think our construct is preferable to the one that would take effect from your amendment.

Mr DAVIS (Southern Metropolitan) (15:52) — The opposition will not support the proposed amendment.

Ms DUNN — Just in response, from the perspective of the Greens, currently there are no exemptions in relation to amendments and variations of the code, and there is a longer public comment time of 60 days. Even in the scenario that you put before us, Minister, we think the better model is the one that exists now, and we think that is a better outcome in terms of variations, whether it be considered positive or negative from an environmental point of view. For us it is about allowing people to have the best opportunity to comment. I would imagine that if it is a name change, you may not get many contributions to a public consultation. I guess it depends what name you decide to choose.

Ms Shing interjected.

Ms DUNN — Believe me, I have no problem with first nations terms in relation to naming at all. From our perspective there is certainly more rigour in relation to what the current arrangements are than what is proposed in this bill. Hence, we ask members to vote against clause 4.

Committee divided on clause:

Ayes, 35

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

Noes, 5

Dunn, Ms
Hartland, Ms (*Teller*)
Pennicuik, Ms
Ratnam, Dr
Springle, Ms (*Teller*)

Clause agreed to.

Clauses 5 to 95 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT (GOVERNANCE) BILL 2017

Second reading

Debate resumed from 21 September; motion of Mr JENNINGS (Special Minister of State).

Mr O'DONOHUE (Eastern Victoria) (16:01) — I am pleased to rise to speak on what is a very important piece of legislation and a very serious issue, an important issue, relevant to community safety. The community and the chamber are all cognisant of the tragedy that sits behind this legislation — the tragic murder of Masa Vukotic and the subsequent commissioning by Wade Noonan, the then Minister for Police, of the Harper review, which was handed to government in November 2015. We are pleased as an opposition to see this bill being debated today. After the adequate ventilation of issues and amendments that the opposition has, we look forward to these reforms being implemented. The opposition will not oppose this bill, but we will seek to make some changes, which I will deal with at a later time in my contribution.

The tragic murder of Masa Vukotic highlighted some failings in the system — failings that must be learned

from. The Harper review made a range of recommendations dealing with various issues, but perhaps two of the major tranches of recommendations deal with the creation of a post-sentence authority and the removal of the detention and supervision order (DSO) division from the Adult Parole Board of Victoria (APB) for the management of post-sentence sex offenders. The bill removes that function from the adult parole board and creates a new authority, the Post Sentence Authority, as the government is calling it in this bill — it is separate and different to what Harper called it in his report, but that is really a by-the-by issue. We welcome a new authority and note that the adult parole board has for some time contended that that function should be a specialist function for a separate organisation, as indeed the chair of the adult parole board cites in his foreword to the *Adult Parole Board Victoria Annual Report 2016–17*, which was tabled in this place today.

With the removal of that function from the adult parole board for this new authority, if indeed this bill passes this place, let me acknowledge the work of the chair of the DSO division, Frank Shelton, a former County Court judge. He has made a significant contribution to the operation of the adult parole board. He helped to oversee under two chairs many of the reforms to the parole system that flowed from the Callinan review and the overhaul of the operations and functions and the modernisation of the adult parole board. I just want to put that on the record because with that function no longer being the responsibility of the board, Frank Shelton will no longer by definition be the chair of the DSO division of the adult parole board. He should be pleased with his contribution to community safety in Victoria and the legal system in Victoria over many decades.

That is the first key part of this bill, and it picks up a key tranche of recommendations from Harper. As of today the number of Harper recommendations that have been implemented stands at eight of 35, from my most recent correspondence from the minister. Without labouring the point — I have said it many times before, as has the Leader of the Opposition, Matthew Guy, and other colleagues from the opposition — we are concerned by the delays in implementing all 35 recommendations. So having another group of recommendations implemented through this bill will be welcome, but even with the passage of this bill it still leaves arguably the most important tranche of recommendations — the architecture for the post-sentence scheme for violent offenders.

The minister was in Ararat last week trumpeting the works on the new facility that is being built for post-sentence violent offenders, and I thought it was particularly interesting reading the clipping in — I think it was — the *Wimmera Mail-Times*. The discussion about who would be there was suitably vague, and I think it was suitably vague because we still do not know who, because we still have not seen how the government plans through legislation to implement those recommendations that deal with a post-sentence scheme for violent offenders.

I do not for a second pretend that is an easy architecture to create — where you draw the line, which offences, what risk factors. How you define that and how you implement that is a very difficult thing, but it is extremely disappointing that nearly two years since the handing of that report to government we still do not have the legislation for that. With just four more sitting weeks before the end of this year the question needs to be asked whether that bill is going to be in the house before 2018. I know the minister has on previous occasions said, 'Well, we're getting on with building the facility, so the legislation will be in place by the time the facility is built', but that is not really good enough when the facility is being built without sight of what the legislative requirements for that facility to operate within actually are, and it does not deal with a whole range of other issues about post-sentencing management for these offenders separate to that facility. Again I just put on the record that specific point.

As I say, undoubtedly the most critical or important part of this bill is the creation of the Post Sentence Authority, which will take over the current functions of the DSO division of the APB, including reviewing and monitoring the compliance of offenders subject to a supervision order, a detention order or an interim order and making recommendations to the secretary in relation to applying to a court to review the conditions of an order. I suppose, though, in a conceptual sense, in addition to that oversight, monitoring of the orders and making recommendations to the Secretary of the Department of Justice and Regulation in relation to an order, the bill confers on the Post Sentence Authority a service coordination function for responsible agencies to ensure that these serious offenders are receiving the services required to treat the causes of their offending behaviour.

We have seen just in today's department of justice annual report that recidivism across a range of cohorts, whether offenders on a community correction order or indeed offenders released from prison, is rising according to the department of justice figures released today, and of course addressing recidivism for this very dangerous, very serious cohort that collectively have inflicted so much harm on the community is absolutely

critical. So the notion of providing a service coordination function is a laudable one, one that conceptually makes sense and one which the opposition supports, because we appreciate that many of the services that are required to address the causes of the offending behaviour that I have just referred to will not be provided by Corrections Victoria. They may well be provided by the Department of Health and Human Services and a range of other specialist non-government bodies. Addressing the causes of offending behaviour for sex offenders is very challenging and obviously very important. I think the work of people like Professor Jim Ogloff and others has helped corrections, government service providers and others understand how you do address those causes of offending behaviour, but it is a very difficult and complex area.

As I say, the goals and objectives of that service delivery function are laudable. The only caveat I would put on that is that a risk with any government, regardless of flavour, in creating a new authority is that you replicate a whole lot of functions. You create a whole new group of employees and staff, and the challenge will be to make sure that that is focused on outcomes and outputs and on the coordination function that is envisaged, not just replicating functions that were previously delivered by and now will continue to be delivered by staff at the adult parole board or elsewhere — in other words, not just creating a new authority that adds to headcount but does not add to outcomes. I say that in a very generalised sense, not as a critique of this model. It is a challenge and a risk for any government to make sure that that does not occur, so I just make that observation and gentle warning, if I can put it in those terms.

The bill retains the current requirement for breaches of an order to be prosecuted in the higher courts where the offender can return to the court that made the original order. In addition, the bill requires the Magistrates Court to refer related summary matters when transferring a breach offence to a higher court, with limited exceptions. Again that highlights the importance of this bill to the cohort we are talking about in relation to the potential offending that may be subject to court matters. It is important for all of them to be dealt with and for the court to have visibility of risk.

Different to the APB, the bill will subject the new authority to carve-outs by the Freedom of Information Act 1982, and it also has some information-sharing provisions. Again, while transparency is a laudable objective, I would seek some assurances from the minister when the bill is in committee of the whole that the carve-outs are adequate and we are getting that balance right between having transparency for the community and not compromising the operations and deliberations of this very important new authority.

Let me just move to a few of the concerns that the opposition has in relation to this bill. The adult parole board is exempt from the Charter of Human Rights and Responsibilities Act 2006. This new authority, even though it will assume some current APB functions, will be required to comply with the charter. I note the statement of compatibility says:

> Unlike the APB (which is declared by regulation 5 of the Charter of Human Rights and Responsibilities (Public Authority) Regulations 2013 not to be a public authority for the purpose of the charter), the authority will be a public authority under the charter. As a public authority, the authority will be obliged to comply with section 38(1) of the charter. The authority will consequently be required to give proper consideration to relevant rights when making decisions, and to act compatibly with human rights.

It goes on to say, referring to the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA):

> Accordingly, the bill will increase the protection of human rights generally in the SSODSA by requiring the authority to make decisions which are compatible with the charter …

That raises some concern with me. Let me walk the house through why.

Mr Dalidakis — I am happy to provide leave so you can tender your speech.

Mr O'DONOHUE — We are talking about very serious issues, Minister, about the most serious sex offenders and how we are going to regulate post-sentencing orders for some of the worst —

Mr Dalidakis — How many times have you refused to bring this bill on?

The ACTING PRESIDENT (**Mr Morris**) — Order! Thank you, Minister.

Mr O'DONOHUE — We have not refused to bring this bill on once. We have been waiting for the bill to be brought to this house, Minister. In fact, that has been my whole contention up till now. You have been taking too long —

Mr Dalidakis interjected.

The ACTING PRESIDENT (**Mr Morris**) — Order! Thank you, Mr O'Donohue. It is very difficult for a member to make a contribution when there are continual interjections, so I will ask members not to interject and I will ask Mr O'Donohue to continue.

Mr Dalidakis — I apologise, Acting President. I shall refrain.

Mr O'DONOHUE — Thank you, Acting President. Let me give the minister the context of the bill.

Mr Dalidakis — If he mentions me again, I shall start again.

Mr O'DONOHUE — This bill comes before the house following the tragic murder of Masa Vukotic and the government's commissioning of the Harper review, which was handed to the government in November 2015. Now here we are nearly two years later and this bill is being debated. The key plank of those reforms is yet to come before the Parliament. The minister interjects by asking how many times have we delayed this bill being debated, and the answer is zero. We have been waiting week after week for this bill actually to be introduced into the Parliament to start with and, now that it is on the notice paper, to be debated — because we want to see these reforms implemented. Minister, when you are sitting around the cabinet table on Monday, I would hope that you will inquire of your colleagues and inquire of the Premier as to what will be the test for post-sentence violent offenders. Because we still do not know, and I think —

Mr Dalidakis interjected.

The ACTING PRESIDENT (**Mr Morris**) — Order! Mr Dalidakis, you indicated that you would cease your interjections. Mr O'Donohue to continue, without interruption.

Ms Fitzherbert interjected.

Mr O'DONOHUE — It is not all about Minister Dalidakis, I agree, Ms Fitzherbert. This is a very serious issue. The opposition wants this bill to pass. We have some issues, and I hope the minister will allow me to raise those issues so that Parliament can consider this and have the bill passed, because that is in the interests of the community. Inane interjections about non-existent delays from the opposition are nothing but inappropriate in the context of the subject matter we are dealing with.

As I was saying, we in the opposition have some concerns about the application of the Charter of Human Rights and Responsibilities Act 2006 to this bill on a philosophical basis in part because of the cohort of offenders we are dealing with and the risk that they may pose to the community, and the operation of this authority. But perhaps more importantly than that, the government has consistently said it endorses the recommendations of the Callinan review. All four corrections ministers under this government have said that and said it on numerous occasions.

Measure 8 of the Callinan review says:

> The rules of natural justice do not apply, and should not be required to be applied to the processes of the board —

that is, the adult parole board —

> and its decisions. The board should also remain exempt from the charter of human rights and responsibilities indefinitely.

When I talked about the exemption pursuant to the regulations in 2013, that sought to implement that recommendation.

As we know, this authority will pick up a key function currently held by the adult parole board. So to me it is completely inconsistent with that recommendation 8 of Callinan to now apply the charter to the new authority when this specific recommendation is that the charter not apply to the parole board and its functions. Again I would welcome the minister's comments on that specific issue when the bill goes into committee.

I would also like to cite the comments of a former adult parole board chair, Supreme Court Justice Simon Whelan. He gave evidence to the Scrutiny of Acts and Regulations Committee when it undertook a review of the Charter of Human Rights and Responsibilities Act in 2011. The committee's report states:

> Justice Simon Whelan explained that the board received legal advice that, in order to comply with the charter, the board would have to provide hearings to prisoners when making decisions about parole, including decisions about conditions, cancellations, refusals and youth transfers. David Provan —

he was the then CEO of the board —

> estimated that the direct recurrent cost to the board would be $1.6 million (i.e. 60 per cent of the board's present budget). Justice Whelan added that the change would also alter the 'philosophical basis' of the board's operations (which is premised on prisoners' lack of a right to liberty) —

with that section of the quote it needs to be acknowledged that we are not talking about prisoners; we are talking about post-sentence management of offenders, so that is a key point to make. I will go on:

> reduce the board's willingness to grant parole (because of potential obstacles to conditions and cancellations), increase the risk of Supreme Court litigation and require legislative amendments, imposing additional costs, including the potential cost of housing and managing prisoners who would otherwise be paroled.

Again, that is in the context predominantly of the operation of the parole board as it pertains to parole

considerations, but a number of those points would also apply to the management of post-sentence offenders.

Again I would be interested to know whether the Department of Justice and Regulation has done any cost analysis of the costs to the authority of making it a public authority pursuant to the Charter of Human Rights and Responsibilities Act, because that is I think a key thing for this place to consider.

In the context of the charter and the application of the charter to these offenders it has been noted that the new facility at Ararat will have a perimeter. It has been described by the minister as being more secure than Corella Place, and again, without anticipating future legislation, the application of the charter to offenders who have finished their time in jail, who are in a secure facility with a wall as I understand it that is different to Corella Place, and how that is being reconciled I think is also an interesting and difficult question, and again one on which I would welcome feedback from the minister or any government members when they speak on this issue.

To summarise this issue of the charter, the opposition does not believe the charter should apply to the new authority. That is consistent with the evidence of Justice Simon Whelan, a former chair of the adult parole board, and it is consistent with measure number 8 of Mr Ian Callinan in his review. Community safety must be a paramount consideration in the management of this cohort knowing they are post-sentence, and that is a very challenging legal space already without the application of the charter.

Moving to another issue and one for which I will also have amendments during the committee stage, the bill says the Governor in Council on the recommendation of the minister may appoint a chairperson and deputy chairperson to the authority, and while judges may be appointed to the authority that chair may be a lawyer with as little as five years experience. Again, I said earlier I acknowledge the work of the current APB deputy and chair of the detention and supervision order (DSO) division, former judge Frank Shelton. I would have thought it appropriate, given the dangerous cohort that the authority will be supervising and the current qualification required for the APB chair and deputy chair, that that qualification be maintained. I appreciate that someone with that qualification may be appointed to that position, but similarly a lawyer with five years experience could also be appointed to that very important role. I think it is absolutely appropriate that the chair and deputy chair have the same qualification requirements as the APB, and therefore I will be moving an amendment to the effect that requires the chair and deputy chair of the authority to be current judges of the Supreme Court or County Court or retired judges of the Supreme or County courts, superior or intermediate courts.

The third issue I wish to raise is the make-up of the authority. The bill says the authority can have a maximum of 10 members with judges, lawyers and community representatives who may have expertise and experience relevant to the functions of the authority. I think it is very important. To get good board management it is widely accepted that it is important to have a diversity of skills, and the APB reform process identifies that as well. The APB reform process also identified it is good to have a maximum period of tenure, which perhaps is not a matter for today, but that is something for future ministers to be concerned about. The opposition's concern about the make-up of the members of the authority is that there is no requirement to have victims of crime representatives, and therefore I will have an amendment in committee to require that at least two members of the authority be victims of crime or their representatives.

This is an extremely important piece of legislation. The management of serious post-sentence offenders is a very difficult area. It is a very difficult area with regard to our legal system, court sentencing and the rights of the community to be protected versus the rights of the offender who has served their jail time. And as I said, whilst we welcome these reforms I think the bigger issue that often sits behind all these bills on the SSODSA and now the authority and in due course the regime for post-sentence violent offenders is sentencing for very serious violent and sex offenders.

It is absolutely clear that the community believes that many of the offenders that are the subject of the SSODSA should have got a lot more time in jail, and if they got a lot more time in jail, they would not be required to be on the SSODSA scheme because they would be in prison. We have moved to a mandatory sentencing policy for the most serious and worst crimes against the person for repeat offenders. It is something we have had to do as an opposition because of the manifestly inadequate sentencing that has occurred for some of the most heinous criminals.

For that most dangerous, serious cohort that commits the worst types of crime, a serious period of incarceration is what is required. But what we have done is develop — as a result of the risk to the community being too great after some of these offenders have received relatively light sentences — and create a post-sentence scheme at incredible cost to the community, and here we are. I think that is the

bigger issue that sits behind this bill and this reform, welcome though it may be.

Finally, the cost to the community of some of these crimes that are committed by the cohorts subject to the SSODSA that will be subject to a future post-sentence violent offender scheme is incalculable. For those victims of crime, the pain and the trauma will be with them forever, and for their loved ones and communities. When we talk about cost I do not think we talk about the cost to the community in a non-monetary sense enough. That does not form enough of the calculation when we are talking about cost. With that preamble, let me just say that the cost of the new Ararat facility at around $400 000 a bed, as I understand it, and the recurrent expenditure is extremely significant — it is much, much more than a maximum security prisoner and many times more than a medium security or minimum security prisoner. This comes at a significant cost to the community.

It is important that we get it right, and that is why in committee I will be moving those amendments I have flagged. I look forward to exploring those issues with the minister at that time. Let me again say that we welcome this bill before the house. We look forward to the creation of the new Post Sentence Authority. I hope it achieves the laudable objective of a service coordination as well as an oversight function. We also look forward to the future legislation — hopefully in the very near future — to deal with post-sentence violent offenders.

The ACTING PRESIDENT (**Mr Morris**) — Mr O'Donohue, did you want those amendments to be circulated?

Mr O'DONOHUE — I do. Thank you, Acting President.

Opposition amendments circulated by Mr O'DONOHUE (Eastern Victoria) pursuant to standing orders.

Ms SYMES (Northern Victoria) (16:36) — I would like to make some brief remarks in relation to the Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Bill 2017. This is of course a very complex area of public policy. In effect in the interests of community safety we have a system here in Victoria that enables certain offenders to be detained and supervised after they have completed the duration of their sentence. The original scheme was set up for serious sex offenders who had served their term of imprisonment imposed by a court but still posed a significant risk to the community. The scheme is considered world-leading, as it is a civil scheme that manages the supervision of the most serious offenders as well as evidence-based rehabilitation that is backed by leading researchers and academics.

We are dealing with the most serious kinds of offenders in our community, those who are deemed a real risk. It is really important to note that to date almost $400 million has been spent over two budgets to implement the Harper review. We take community safety very seriously. We want to make sure that we have streamlined procedures for the prosecution of summary offences. We want to have streamlined procedures in relation to all of these matters.

We want to make sure that we do not shy away from the first order of responsibility of government, and we think that that is community safety. We had the release of the Community Safety Statement earlier this year by the Minister for Police, with the Premier and the Chief Commissioner of Police. In conjunction with the Harper review we found that the assessment, treatment and supervision of complex offenders requires effective coordination between agencies. We certainly realise that it is a whole-of-government issue and that it will require multiple-agency panels working underneath heads of jurisdiction to ensure that our post-sentence scheme is one of the strongest in Australia, that it has a shared model, that it is a coordinated services model and that it is a model where there is indeed strong accountability.

This bill puts significant statutory obligations on our senior bureaucrats in relation to information sharing, ensuring that our agencies work well together and that information that is critical is dispersed to relevant agencies. The bill creates a new independent rigorous and accountable governance framework that involves establishing the independent Post Sentence Authority to oversee the management of offenders on post-sentence orders, requiring responsible agencies across government to share responsibility by establishing panels that will coordinate the delivery of services to offenders, and streamlining procedures for the prosecution of summary offences that are related to the offence of breaching a supervision order.

Following the Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016, which implemented some recommendations of the review of complex adult victim sex offender management, the Harper review, the bill will implement the first phase of the more complex reforms arising from the recommendations of that review.

On the details of this bill, I will just go through a few of the headings of the main features of the bill. Obviously there is the new Post Sentence Authority. The Harper review recommended the creation of a new independent body to promote independent and rigorous decision-making. The bill implements this recommendation by establishing this authority. The authority will consist of a board with up to 10 members. Members will be appointed by the Governor in Council on the recommendation of the responsible minister. They can be appointed for a maximum term of five years and can hold office for a maximum of nine. The members will be a mix of former judges and magistrates, Australian lawyers with at least five years experience and community representatives with relevant experience or expertise. This mix of people will provide a diversity of views. The membership requirements are broad enough to allow victims of crime to be considered for appointment.

There are already mechanisms in place for victims to be kept informed and consulted about certain decisions under the post-sentence scheme. Registered victims of an offender are informed about any applications for orders in respect of that offender and they may make a submission to the court. The court must consider what victims have to say through submissions. In addition, registered victims are notified about any directions to offenders. This is currently given by the Adult Parole Board of Victoria, and it will be given by the authority after the implementation of this act. These victims can make submissions about proposed directions that may be given to an offender, and they must be taken into account by the authority.

I will just reflect briefly. I will leave most of the detail of the amendments to the minister at the table in the committee stage, because I am conscious that Mr O'Donohue will be raising them directly with the minister. But just in relation to the qualification requirements of the chair and the deputy chair, about which Mr O'Donohue is proposing an amendment, only former judicial officers, former magistrates and Australian lawyers with at least five years experience can be appointed to chairperson and deputy chairperson positions. This is because they may be required to identify and resolve legal questions as part of their roles. The five years practice requirement for lawyers is consistent with the eligibility criteria for the appointment of judicial officers. Of course this is certainly only a minimum requirement to be appointed to this role.

The Adult Parole Board of Victoria is made up of sitting and retired judicial officers and other full-time and part-time members and is chaired by a sitting or retired judge of the Supreme Court or County Court. Similarly at least one of the members of the adult parole board's detention and supervision order division must be a sitting or retired judge or magistrate. The key difference in relation to this legislation is that sitting judicial officers or magistrates will not be able to be appointed to the authority. This will enable members of the authority to focus on their key functions — monitoring compliance with supervision or detention orders made by the courts.

In relation to shared responsibility for service delivery and multi-agency panels, the Harper review found that effective assessment, treatment and supervision of complex offenders requires more active involvement by all responsible areas of government in the management of offenders on post-sentence orders. The review recommended the establishment of multi-agency panels. To achieve the intent of the recommendations, the bill imposes statutory functions on the heads of responsible agencies — the Department of Justice and Regulation, the Department of Health and Human Services and Victoria Police — and requires them to establish a multi-agency panel to perform their functions.

The bill requires responsible agencies to act in accordance with the principle of shared responsibility by sharing information, providing reasonable assistance and support to each other and identifying and taking steps to resolve service delivery issues. The bill also requires agencies to jointly develop, agree to and review coordinated service plans for eligible offenders and offenders on supervision orders. The plans will articulate agreed service delivery responsibilities of responsible agencies to manage and reduce the offender's risk of reoffending and escalating risk. The authority will oversee the performance of responsible agencies to ensure that they are held accountable. The authority will receive and review copies of plans and will have the power to request information from responsible agencies.

On streamlining the prosecution of breaches of supervision orders, under the legislation it is an indictable offence punishable by a maximum of five years imprisonment to breach the conditions of a supervision order. Charges of this offence must be heard and determined by the court that made the supervision order. The Harper review recommended that the court that made the supervision order should also hear and determine any summary offences that are related to the breach offence. The bill implements this particular recommendation.

The bill requires the Magistrates Court to transfer related summary offences to the relevant higher court unless the offender and prosecutor agree that the matter should not be transferred. The bill also gives the Supreme Court and County Court the power to hear and determine the charges for those related summary offences using summary procedures. The bill provides flexibility for the higher courts to transfer matters back to the Magistrates Court if the court considers it appropriate to do so.

I think there will be quite some discussion during the committee stage — I am getting some nods from people in the chamber — so I would just like to take the opportunity to thank the Department of Justice and Regulation for the work they have done with the relevant agencies to get us to where we are with this bill and also for their hard work over the past three years in implementing elements of the Harper review. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) (16:45) — I am pleased to rise this afternoon to speak on the Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Bill 2017. This bill implements, I think, 14 recommendations of the Harper review which relate to the oversight of the Serious Sex Offenders (Detention and Supervision) Act 2009 (SSODSA) and the governance models under that act. It establishes the Post Sentence Authority (PSA) and provides it with the functions and powers currently held by the Adult Parole Board of Victoria and its detention and supervision order (DSO) division. Therefore it abolishes the DSO division of the adult parole board because all of its functions will be subsumed in the new PSA.

The bill provides for the coordination of services, including by multi-agency panels, to eligible offenders who are the subject of an application for a supervision order or detention order or are the subject of a supervision order or an interim supervision order. The bill provides for the sharing of information between relevant departments and for the transfer of summary offences related to a breach of a supervision order to the County Court or to the Supreme Court and makes consequential amendments to the relevant acts.

The bill implements recommendations, in whole or in part, of the Harper review which specifically apply to the establishment of the Post Sentence Authority — which was referred to as the public protection authority in the Harper review — its powers, the cohort of offenders who come under its authority, the streamlining of intervention and management plans, the simplification of conditions and enabling the authority to respond to breaches of supervision orders. The new authority will take over from the detention and supervision order division, as I said, of the adult parole board. The Harper review did note that the adult parole board had discharged its functions under SSODSA extremely well, but the reforms in this bill will enable the adult parole board to solely focus on its critical role in administering the parole system in Victoria.

The PSA will be a body corporate under new section 192C, capable of suing and being sued. It will be governed by a board of up to 10 members, led by a chairperson and made up of retired judicial officers, legal practitioners and community representatives to ensure diversity of views, similar to the adult parole board. Members will be appointed by the Governor in Council on the recommendation of the minister. To enable the authority to respond quickly and effectively in managing offenders subject to post-sentence orders, the bill provides the chairperson with flexibility to determine how and when meetings should be held. The Department of Justice and Regulation will provide secretariat support to the PSA. The bill requires the secretary to provide employees and any other assistance necessary to support the authority to carry out its functions. The bill empowers the authority to engage independent contractors and agents to assist it to perform its functions as well.

The existing functions that the bill transfers to the authority include the responsibility to review and monitor the progress of offenders on supervision, detention and interim orders; to monitor compliance with and administer the conditions of supervision orders and interim supervision orders; to give directions and instructions to an offender in accordance with any authorisation given to the authority under an order; and to make recommendations to the secretary in relation to applications to a court for the review of conditions of supervision orders and interim supervision orders.

I think it is worth just going over what we are talking about here. Supervision orders provide for the post-sentence supervision of serious sex offenders who continue to pose an unacceptable risk of committing a relevant offence if the order is not made and the offender is in the community. They can be determined by either the County Court or the Supreme Court for up to 15 years and can be renewed for a period of up to 15 years as well. They need to be reviewed every three years or in a shorter time if required.

Detention orders require the continued detention of a prisoner or an offender convicted of those serious sex offences who would still pose an unacceptable risk if the offender were to remain in the community. These

orders are determined by the Supreme Court, can be made for up to three years and must be reviewed by the court annually. This is what the new Post Sentence Authority will be overseeing.

The recommendations that we are talking about are from the Harper review, which is the review that the Minister for Corrections commissioned in 2015 after the tragic murder of Masa Vukotic by Sean Price. The minister appointed a panel consisting of the Honourable David Harper, AM, Professor Paul Mullen and Professor Bernadette McSherry to conduct a review of the management of offenders who are described in the terms of reference as 'complex adult victim sex offenders', and who are subject to the SSODSA.

These offenders are considered complex because they have a complex offending profile; by presenting a risk of violent offending in addition to the risk of sexual offending; by reason of their personal issues and needs, including one or more of mental health issues, personality traits, behavioural issues, cognitive impairment and substance misuse; and by being difficult to treat and manage.

The government has accepted all 35 recommendations of the Harper review but to date has only implemented seven of them. It has, however, committed to implement the rest of them as soon as possible. We have before us now this bill, which goes to the government's oversight of SSODSA. This is a good thing, and the Greens are supporting the provisions of this bill.

It is worth noting that the Harper review did warn against piecemeal approaches to implementing the recommendations, and this is what we are seeing. We have already seen some being implemented in 2016 with the previous bill, and we now have this bill and are looking forward to further bills. I think it would be desirable that the next bill be the one that represents the remaining recommendations so we just do not have a piecemeal approach, which was certainly recommended against by the review.

The review also recommended that there be an evaluation or review clause put into the legislation. In the previous bill last year I moved an amendment to that effect, but it was not accepted. I am not doing it for this bill. With the next bill I will try it again, but I would encourage the government to actually do that because it was one of the recommendations of the review that that happen.

There are other points that can be made in the context of what we are talking about today. The Harper review also recommended expanding the orders to include people in prison for serious violent offences who present an unacceptable risk of harm to the community, which is a reform that is not yet implemented and one that I was advocating for years prior to the Harper review. It is a recommendation of the Harper review, and it is something that I have been advocating for for quite some time — that serious violent offenders be included in this type of regime.

The other recommendation that has not been taken up, which is a very important one, is that of making sure that serious sex offenders — and serious violent offenders I would say too — should be receiving early intervention while they are in prison to deal with issues they have. I think the Harper review recommended that at least three years before the person may be eligible to be released intensive intervention programs be undertaken by that person. This is partly to assist that person to not go on to post-sentence detention or supervision, but also in the interests of community safety. So far this recommendation has not been implemented either.

I have raised before in debate on these issues to do with corrections and sentencing that there are far too many people in the corrections system who are not undertaking the programs — be they mental health programs, drug and alcohol programs or educational programs — that they should be undertaking while they are incarcerated to assist them to ready themselves for release into the community, to give them the best chance of not being repeat offenders, to lower the recidivism rate and to try and rehabilitate as many offenders as we can. The best way to keep the community safe is to use the time when people are sentenced to prison to make sure they undertake the programs and assistance they need to assist them when they are released and, as I say, to keep the community safer. So while we are looking at this particular bill, which includes at the establishment of the Post Sentence Authority and oversight of the SSODSA regime, we also need to keep in mind what is happening in prisons with regard to people when they are already in them.

There is quite a lot of detail in terms of the powers of the authority, which I will not go through, but there are a couple of other points to note about it. To provide a balance and ensure the scheme is non-punitive, SSODSA already contains a range of procedural safeguards that the authority will need to observe when making its decisions, such as notifying an offender of any directions or instructions that it gives; that the offender may make submissions within 21 days of being given a notice; that the offender is entitled to be

heard and may inspect documents; and that the authority must take into account the offender's submissions and give reasons for the decisions it makes.

An important part of this bill is that the Harper review found that effective assessment, treatment and supervision of complex offenders requires effective coordination between the agencies involved in their management and that responsibility for providing services that will reduce reoffending and protect the community lies not only with the justice system but also with the mental health, disability and social services systems. They all need more active involvement and to work more closely together.

The review recommended the establishment of multi-agency panels to coordinate services delivered to offenders subject to post-sentence orders. The review envisaged that the panels would include government agencies, such as the Department of Justice and Regulation, the Department of Health and Human Services and Victoria Police, and relevant non-government agencies.

To implement those recommendations the bill imposes obligations on responsible agencies, being the departments and the Chief Commissioner of Police, and any prescribed person or body and requires them to act in accordance with a principle of shared responsibility by providing reasonable assistance and support to each other, sharing information and taking steps to resolve any issues in the delivery of services to offenders. There is quite a lot more detail with regard to the multi-agency panels et cetera, but suffice it to say it is very good to see that come into place under this bill.

In order to promote transparency and accountability in the administration of the post-sentence scheme the FOI act will apply to documents of authority. However, under clause 15, which inserts section 192B, the bill contains a clear list of types of information that are not appropriate to be publicly released. This includes information that relates to decisions made in relation to the management of an individual offender or the monitoring of administration of a particular court order or information that relates to a victim or the victims of an offender, including any victim submission made under the order.

I think that covers the main provisions of the bill, which the Greens are supportive of. As I said, we would like to see the other recommendations of the Harper review implemented as soon as possible so that there is a full regime in place working well to address what Ms Symes and I have said on many occasions is one of the most difficult and complicated areas that we need to deal with in the justice and corrections system. It is not an easy issue to deal with, and it is good to see everybody pretty well on the same page with regard to these difficult issues.

If I could just take a minute to speak to the amendments circulated by Mr O'Donohue, I will indicate that the Greens will not be supporting Mr O'Donohue's amendment to exempt the Post Sentence Authority from the Charter of Human Rights and Responsibilities. I am aware, as I am sure Mr O'Donohue knows, that the adult parole board is exempt, but I think the issue with the Post Sentence Authority is slightly different, particularly because to detain someone post-sentence is a very serious matter in terms of justice. It has always been the case that a person does a crime, they are sentenced to a period in prison, they finish their sentence and hopefully they will not offend again. So to actually detain someone after they have finished their sentence is a serious thing to do. That is why very few people are actually detained post-sentence.

Even the supervision orders which serious sex offenders may be subject to under the act can be quite limiting on the activities of that person. These are all post-sentence, so it is a serious matter, even though, of course, they are there because the persons they apply to are serious offenders and have been deemed to be at a high risk of reoffending and reoffending with serious offences. It is different to the adult parole board, and we believe that the charter should apply to the Post Sentence Authority.

We will not support the amendment which Mr O'Donohue has circulated with regard to adding a new subsection (e) into clause 16 such that at least two members of the authority be victims of crime or representatives of victims of crime. The bill already allows for community representation on the PSA, as it does on the adult parole board — and there are community representatives on the adult parole board — and there are other avenues for victims of crime to be recognised through the justice system. The way that it is set out at the moment does not preclude that happening; it just does not mandate that happening.

However, with the other sets of amendments that Mr O'Donohue has put forward, such that the chair and deputy chair of the Post Sentence Authority be judicial officers or former judicial officers, I have already flagged to the government that I am quite open to that amendment. I have heard from the government their reasons for not wanting to go down that path, although I have to say that so far I am not all that persuaded by them.

The chair of the adult parole board is a judge of the Supreme Court. The issues that are being dealt with here are serious issues, and I think they need someone with a lot of experience, not just the experience of having been a practising lawyer for five years. In the way the bill is written it does not even require that practising lawyer to be a lawyer in the criminal system. It could be a solicitor. I am not sure that someone who has been a practising lawyer — and I understand that that is the minimum requirement, and of course I understand that it may turn out to be a person who has been a practising lawyer for 20 years — is the same as being a judge or a judicial officer and a judicial officer of a higher court who has actually dealt with these issues as a judge. I think that, the same as with the adult parole board, when you are dealing with post-sentence offenders who are being detained or supervised post-sentence you need someone chairing this authority with a great deal of experience.

Even Ms Symes when she was talking about it in her contribution basically said, 'Yes, the adult parole board — the chair is a judicial officer'. I am still really struggling to follow the logic as to why the chair of this authority would not be a judicial officer as well. I thank the staff of the minister for running their reasons by me, but I am still inclined to think that it would be a good thing if the chair was a judicial officer. No doubt we will prosecute this further in the committee stage. With those remarks, the Greens will support the bill.

Mr ONDARCHIE (Northern Metropolitan) (17:08) — I rise to speak on the Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Bill 2017, colloquially known as SSODSA for the sake of today's debate. This is a very serious matter that requires the attention of this house and the focus of this house, and by no means should it have any elements of frivolity in its passage through the house. I commend my colleague Mr O'Donohue for his leadership on behalf of the Liberal-Nationals coalition in regard to what is an important piece of legislation that arises following the tragedy on 17 March 2015, when Masa Vukotic's life was taken. The coalition will continue through Mr O'Donohue and his leadership to offer our thoughts, prayers and love to Slavoljub, Masa's father; Natasha, her mother; Nadja, her sister; and her friends and her family after the actions of Sean Price in Doncaster on that day. Sean Price, interestingly enough, was reading all about Ivan Milat before he went ahead and did this. This is a serious matter for this place.

The Harper review commenced as a result of this, and it made a number of recommendations. But as of today only eight of those 35 recommendations have been fully implemented. This bill provides passage for another 14 recommendations to be implemented, but even after this bill is passed, even after we do this today, there still remain 13 recommendations, including those extending the post-sentence sex offenders scheme to serious violent offenders, that will remain unaddressed. I shake my head at the delays in implementing the Harper review and its recommendations; the cost blowout in the finalisation of the Callinan review parole reforms until the end of 2018; the failure to deliver the Coghlan bail review recommendations; and the failure to this point to release the report into the Brighton siege, which was handed to the government probably over two months ago now.

There are some concerns about this recommendation, and as a result Mr O'Donohue's amendments reflect those. The Adult Parole Board of Victoria (APB) is exempt from the Charter of Human Rights and Responsibilities Act 2006. However, this new authority that is being put before us today will assume some of the current parole board functions but will be required to comply with the charter. It raises a number of questions; it raises a number of concerns. It says things like the human rights of people like Sean Price will be given much more emphasis and consideration. That alone should raise the hair on the back of your neck.

I wonder, given the bill's current form, what the impact on the ability of the authority to respond to escalating risk will be — and Justice Simon Whelan, former chair of APB, had some concerns about this — or the right to freedom of movement or the right to privacy. These offenders will now have to be given greater emphasis when determining whether to recommend, review or cancel a supervision order or interim supervision order. It will be harder to compel these offenders to live, for example, at Corella Place.

The Liberal-Nationals coalition under the leadership of Matthew Guy in the Assembly and the stewardship in this matter of Edward O'Donohue puts the rights of victims first. Moreover we are seeing from this government that they are less inclined to support those who need our support. Mr O'Donohue's amendments are logical and make plenty of sense in order to make sure we protect those who need protection. His amendment about making the authority exempt from the charter is self-explanatory, given the comments of Mr O'Donohue and mine today. Ms Pennicuik rightly says that the chair and the deputy chair of the authority should have similar qualifications to those of the APB chair and deputy, be they current judges of the Supreme Court or County Court or retired judges of one of our courts. We have to reflect the views of the community, and there is no better way to do that than to ensure that

victims of crimes or those who speak for victims of crimes have their say in this process.

We have to step up. This chamber has to step up. This government has to step up and protect the rights of those who need to be protected to make sure that Masa Vukotic's passing has some meaning, not just in Masa's memory but for her family. I commend the bill with Mr O'Donohue's amendments to this house.

Ms TIERNEY (Minister for Corrections) (17:13) — This bill represents a significant step forward in implementing the reforms recommended by Justice Harper in his 2015 review. Dealing with serious sex and violent offenders is extremely difficult. We all wish that these offences were never committed, those victims were never victims and those people were not offenders. We wish that upon finishing their time in prison those offenders would not commit further crimes, but unfortunately that is not the reality. Unfortunately that does not reflect what happens here and around the world. So it is incumbent upon governments to identify the risk and try to mitigate against it. The serious sex offender scheme has been identifying risk and protecting the community for over 10 years, but this bill today is a serious step up. The Harper reforms are the biggest set of reforms since Labor implemented the serious sex offenders detention and supervision scheme a decade ago, which continues to provide supervision and management of offenders after their sentence has been served. The scheme is a world leader, and we have our teams of qualified clinicians and other staff working to reduce the risk of reoffending. It is that mix of management and rehabilitation that sets Victoria ahead of the world in sex offender management. The ultimate aim is of course for safer communities.

The bill is also underpinned by an evidence base created by, amongst others, the Catalyst Consortium. Professor Jim Ogloff leads this network of researchers from across the globe, including the United States, the United Kingdom, New Zealand and Canada. It gathers together some of the brightest minds that we have here in Australia. Their work ensures that we are at the forefront in understanding and treating the causes of serious violent and serious sex offending, and that is what is at the heart of the Harper review.

This is a bill that begins to fulfil Justice Harper's recommendation in terms of the infrastructure that is needed. This bill proposes the formulation of an independent authority to focus on the management of offenders in the post-sentence scheme whilst also overseeing the delivery of therapeutic services. The bill outlines the qualifications for the chair and the deputy chair of the Post Sentence Authority. These two roles on the authority are required to be filled by retired judicial officers of the Supreme, County and Magistrates courts and Australian lawyers of at least five years experience. The latter category is the same as that for the appointment of judicial officers here in Victoria, and I am sure we will have an opportunity to canvass this further in the committee stage.

The bill will also create multi-agency panels to ensure those offenders are getting those services, and it ensures responsibility across those agencies. The agencies will include Victoria Police, Corrections Victoria and a range of service providers. The bill also streamlines the breach process for those offenders that fall foul of the conditions of their order so that the breach and any other related offences can be heard in the same court at the same time.

I will go briefly to some matters that have been raised by members who contributed to the debate on the second-reading speech. The risk of having a new authority is that you replicate functions and issues that are already there. So in response to that, what we say is that the model is different in key ways to what is occurring with the detention and supervision order division of the Adult Parole Board of Victoria (APB). These reforms clearly delineate the roles of the authority, the courts — while removing a role from the APB where it did not sit well — and the multi-agency panels, which share the responsibility and ensure service delivery. It is a very different model and one that is best practice.

There was also an issue about seeking some clarification on information sharing and getting the balance right between transparency and ensuring community safety. In response to that, we say this is a civil scheme dealing with people who have committed serious crimes but who have served the time imposed on them by a court. They have finished their jail time. It is important in this space to ensure that we have vigorous transparency. As noted in the second-reading speech, the application of the Freedom of Information Act 1982 to the authority is to provide transparency, but at the same time the bill includes a list of information that is not appropriate for public release — for example, information about monitoring or the management of offenders on an order. We feel this gets the balance right between ensuring sensitive information is prohibited from release and that the post-sentence scheme remains transparent.

We also heard Mr O'Donohue and Mr Ondarchie quote Justice Whelan in relation to the cost that would be incurred by the APB if it were not to comply with the

charter. The authority does not make the same decisions as the APB does with parolees. The court decides who is on the scheme and what conditions are applied. The APB decides who gets parole and what the conditions are. The Post Sentence Authority, as set out in the bill, does not have those functions. I believe that the coalition's issue is not with the authority being subject to the charter but with the charter itself. The coalition forgets that the charter requires the authority to consider the human rights of all involved, including those of the victim.

Mr O'Donohue also raised the issue of the new secure facility at Ararat and its position within the charter. Firstly, there is nothing in this bill about the new facility. The charter only applies to the authority. But the opposition also fails to understand that the new facility — I was there only last week — has a different role to that of Corella Place. In any case, the placement of offenders is another matter before the courts, and it will be dealt with in the next tranche of legislation that comes before this house.

The coalition also raised the issue of the bill's stated requirements for the chair and deputy chair, and I covered that earlier in my contribution. As I said, I understand that that is all subject to an amendment that is being proposed by Mr O'Donohue.

This is the first tranche of legislative changes that have arisen as a result of the Harper review. A further bill will be brought to the house that will finalise and overhaul the scheme and add serious violent offenders to that scheme. It is time for it to be finalised leading up to the completion of the facilities and the formation of the authority. This will be done next year, as we have consistently said. With those few words, at this point I now look forward to moving into committee for further discussion.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr O'DONOHUE (Eastern Victoria) (17:24) — If it is convenient to you, Minister, and to the committee, I propose to put the questions I have in relation to the bill, all of which I flagged in the second-reading debate, under clause 1 so we can deal with those and then move through to formally putting the amendments, if that works for everyone.

Under clause 1, Minister, I picked up your point in relation to the commentary of Justice Simon Whelan. You may not have had the opportunity to hear what I said in my second-reading debate speech, when I did make the point that the roles and functions of the Adult Parole Board of Victoria (APB) in some significant part will be different to those of the new authority, but nonetheless the authority is assuming the detention and supervision order (DSO) division operations of the APB, as you are well aware. My question is: will there be any extra cost to the operation of the authority as a result of the application of the charter of human rights?

Ms TIERNEY (Minister for Training and Skills) (17:28) — I am advised that as a result of the APB making a series of decisions that the Post Sentence Authority (PSA) just will not be doing, as I have said previously, the costs outlined by Justice Whelan just will not be incurred.

Mr O'DONOHUE — Just to clarify that, Minister, are you saying there will be no costs incurred? I was not suggesting that $1.6 million would be incurred; I was just wondering whether there would be a cost and what that might be if there is.

Ms TIERNEY — That was confirmed by those in the advisors box — that because of the decisions being so different and more limited in some respect, we do not know the actual cost, but it is generally understood it would be significantly less than what Whelan indicated.

Mr O'DONOHUE — Thank you for that answer, Minister. From your answer I assume there will be a cost — much less than $1.6 million, but still a cost to the new authority. Is that correct?

Ms TIERNEY — Yes.

Mr O'DONOHUE — On that basis, Minister, I take it from your answers you do not have a cost estimate you can provide now.

Ms TIERNEY — No, I do not.

Mr O'DONOHUE — If in due course, Minister, that cost estimate does become available, if you could share it with the house, that would be most welcome.

Ms TIERNEY — Yes, if that is possible.

Mr O'DONOHUE — Minister — again, I flagged this in the second-reading debate — measure 8 of the Callinan review says:

> The rules of natural justice do not apply, and should not be required to be applied to the processes of the board and its

> decisions. The board should also remain exempt from the Charter of Human Rights and Responsibilities indefinitely.

Again, noting we are not dealing with parole decisions with the new authority and we are really only picking up the DSO function and transferring it to the new authority together with the service provision aspects of it, does the government accept the proposition that applying the charter of human rights to in effect the DSO decisions of the board through this new authority is a breach of Callinan measure 8?

Ms TIERNEY — The government clearly believes that operating under the Charter of Human Rights and Responsibilities Act 2006 will not in any way prevent the new authority from doing its job, which ultimately is about keeping the community safe. Only the courts can decide who is subject to the post-sentence scheme and what conditions are imposed on the offender. The Serious Sex Offenders (Detention and Supervision) Amendment (Governance) Bill 2017 is about ensuring that post-sentence detention and supervision systems are supported by an independent, rigorous and accountable governance framework.

This bill establishes a new independent body, the Post Sentence Authority, to take over from the APB. The new authority will be a public authority under the charter. This is consistent with the arrangements in place for other bodies and agencies under the post-sentence scheme. Again I wish to emphasise that the paramount consideration for decision-making under the post-sentence scheme will continue to be the safety and protection of the community.

Mr O'DONOHUE — Thank you, Minister. That is a fulsome answer, but with respect you have not addressed the question. We can have a debate about whether the answer you provided justifies a breach or otherwise of the implementation of the Callinan recommendation, but can I just ask again, Minister: does the government accept that by applying the charter of human rights that it is stepping away from the application of measure 8 of the Callinan review?

Ms TIERNEY — The answer is no.

Mr O'DONOHUE — Thank you, Minister. I suppose we will have to agree to disagree. Minister, in your summary you referenced the future bill that will come to deal with the framework for the post-sentence violent offenders. Are you able to give an indication to the committee as to when that bill is likely to be presented to the Parliament?

Ms TIERNEY — Thank you, Mr O'Donohue. I am awaiting confirmation on the cabinet date. Once I have that then I will be able to indicate, but it will certainly be in the early part of 2018.

Mr O'DONOHUE — Minister, if I could take you to the composition of the authority. It will have a maximum of 10 members and the bill contemplates a range of potential different representatives, but are you able to give extra detail? Obviously this is subject to an amendment I will move later, but are you able give the committee any extra detail about the potential make-up of those 10 members as the government perceives it? What particular skills will be sought and what particular qualifications may be sought from that membership? Because that will be an important part of the operation.

Ms TIERNEY — The authority will consist of a board with up to 10 members, and they will be appointed by the Governor in Council on the recommendation of the responsible minister, the Minister for Corrections. They can be appointed for a maximum term of five years and can hold office for a maximum of nine years. Members will be a mix of former judges and magistrates, Australian lawyers with at least five years experience and community representatives with relevant experience or expertise.

This mix of people, we believe, will provide diversity of views, but the membership requirements will be broad enough to allow victims of crime to be considered for appointment. There are already mechanisms in place for victims to be kept informed and consulted about certain decisions under the post-sentence scheme. Registered victims of an offender are also informed about any applications for orders in respect of that offender and may make a submission to the court. The court must consider the victim's submission.

In addition, registered victims are notified about any directions to offenders currently given by the APB. That will be given to the authority, and these victims can make submissions about proposed directions that may be given to an offender that must be considered by the authority. Your key point is that victims of crime should be members of the board, is that correct, and that is the substance of the amendment you will be moving?

Mr O'DONOHUE — Yes.

Ms TIERNEY — It will be and is a view of the government that we will need a mixture of community experience and expertise, and I believe that obviously there is a place for victims of crime. At this point in time we do not wish to be prescriptive, but we believe that there is broad enough scope to enable that to occur.

Mr O'DONOHUE — Thank you, Minister, for that answer. That gives some comfort on the government's intention around the future make-up of the board, and I think we would all agree that someone like Carmel Arthur has — from her perspective and just what a remarkable person she is — added so much to the APB in her tenure there, which I understand will conclude relatively soon with the new requirements of a nine-year maximum term. Notwithstanding that, I will be proceeding because I think it is important for victims to be recognised and for that to be mandated.

I have a final question, Minister, under clause 1 before, from my perspective, we move to the amendments. I note there has been some commentary about the status of the 35 recommendations of the Harper review. The government's language has been consistently that the government accepts in principle the 35 recommendations. Are there any issues in making operational those recommendations that prevent the government from saying without qualification it accepts the 35 recommendations?

Ms TIERNEY — Mr O'Donohue, the government has said that we will accept all the recommendations in principle. I think the 'in principle' is not so much about difficulties in implementation. It is about maybe a different way of implementing some of the recommendations. Can I give you two examples of that? One is in the area of streamlining breaches. It was recommended that less serious breaches should be prosecuted in the Magistrates Court and more serious breaches in the High Court. As part of these recommendations, the review recommended allowing related summary offences to be uplifted from the Magistrates Court to the High Court. We believe that we have actually enhanced the recommendations, so that is why I would be conservative in saying 'in-principle support'.

The other thing I think I should state for the record is that Harper intended that the authority be involved in the management of offenders. There has been a lot of discussion about that, and I think that we have landed with most people believing it is probably better — in fact, much better — to delineate services from the actual high-level overview of the new regime. Again that is just a taste of some of the little differences, but the absolute intent of the recommendations from Harper are supported by the government.

Mr O'DONOHUE — Thank you for that answer, Minister. I know I said 'final question' — this is the final question. Just for the record, with the passage of this bill, how many of the 35 recommendations of the review will have been implemented?

Ms TIERNEY — Eight will have been fully completed, but that will take it up to 14. There are varying degrees of completion between the eight and 14.

Clause agreed to; clauses 2 to 6 agreed to.

New clause

Mr O'DONOHUE — The purpose of amendment 1, of inserting this new clause, is to remove the application of the charter of human rights to the authority so it is not a public authority for the purposes of the charter of human rights. We have discussed and ventilated that issue. I move:

1. After clause 6 insert

'**A New section 6C inserted**

After section 6B of the Principal Act **insert**—

"**6C Charter of Human Rights and Responsibilities Act 2006 disapplied**

The **Charter of Human Rights and Responsibilities Act 2006** does not apply to the Authority or to the performance of its functions and the exercise of its powers under this Act.".'.

Ms PENNICUIK (Southern Metropolitan) — The Greens will not be supporting this amendment, as I outlined earlier in a contribution. The detention of people post sentence, or the imposition of supervision orders on them, while they are required, is a serious matter, and we feel that the charter should apply.

Ms TIERNEY — For the record, the government will not be supporting this amendment as outlined in the discussion at clause 1.

Committee divided on new clause:

Ayes, 20

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

Noes, 20

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Patten, Ms
Eideh, Mr (*Teller*)	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Ratnam, Dr
Hartland, Ms	Shing, Ms

Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms (*Teller*)
Melhem, Mr	Symes, Ms
Mikakos, Ms	Tierney, Ms

New clause negatived.

Clauses 7 to 15 agreed to.

Clause 16

Mr O'DONOHUE — I move:

2. Clause 16, page 15, line 9, omit "has" and insert "is or has".

This amendment widens the scope of who can be appointed to the authority from it being just a former judge to it being a current or former judge.

Ms PENNICUIK — The Greens will be supporting this amendment to the bill, which says that it could be a retired or a sitting judicial officer. We have had in the past many chairs, for example, of the adult parole board who were sitting judicial officers, and I think that is a desirable thing, so we will support this amendment.

Ms TIERNEY — I have already outlined the government's position on this. We will be opposing this, but what I would say to Ms Pennicuik, regarding the issue that seems to concern her in terms of the five years experience, is that this is essentially there because it provides a greater and wider pool in terms of those that can be appointed. There is no intention whatsoever to reduce the status of the authority or indeed reduce the expertise and the experience. It is a very pragmatic opportunity to widen the pool of people for selection.

Ms PENNICUIK — If I can respond to the minister, I understand that and I am not actually opposing a lawyer of five years or more experience being part of the board. This amendment is actually just changing new subsection (2)(a), which currently reads that a member appointed to the authority must be a person who has been a judge — that is, a retired judge — of the High Court, Supreme Court, Federal Court, Family Court, County Court or the equivalent of another state or territory. This just adds that they could be a current one of those judicial officers as well as a retired one.

Ms TIERNEY — Again, the courts are responsible for making orders under the scheme. Having retired judicial officers means that they can focus solely on their functions under the new post-sentence scheme.

Committee divided on amendment:

Ayes, 26

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Bourman, Mr	O'Sullivan, Mr
Carling-Jenkins, Dr	Patten, Ms
Crozier, Ms	Pennicuik, Ms
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr (*Teller*)	Purcell, Mr
Dunn, Ms (*Teller*)	Ramsay, Mr
Finn, Mr	Ratnam, Dr
Fitzherbert, Ms	Rich-Phillips, Mr
Hartland, Ms	Springle, Ms
Lovell, Ms	Wooldridge, Ms
Morris, Mr	Young, Mr

Noes, 14

Dalidakis, Mr	Mikakos, Ms
Eideh, Mr	Mulino, Mr (*Teller*)
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr (*Teller*)	Symes, Ms
Melhem, Mr	Tierney, Ms

Amendment agreed to.

Mr O'DONOHUE — I move:

3. Clause 16, page 15, line 26, omit "Authority." and insert "Authority; or".

4. Clause 16, page 15, after line 26 insert—

> "(e) in relation to at least 2 members of the Authority, are victims of crime or the representatives of victims of crime.".

They have the intention of seeking to specify that two victims of crime or their representatives are to form part of that possible 10-member authority. We have ventilated this issue previously, so I do not propose to add anything further.

Ms PENNICUIK — The Greens will not be supporting Mr O'Donohue's amendments 3 and 4, which seek to specify that victims of crime or their representatives be appointed to the authority. There is already a provision that members of the community can be appointed to the authority similarly as they are to the adult parole board. Victims of crime are not precluded from being community representatives, but I do not believe that they should be mandated as representatives of the authority. I think that over the last few years in particular there have been many moves made to include victims of crime in the justice system through the sentencing process and through the establishment of the victims of crime commissioner et cetera, which is a welcome and a good thing. But I do not think it is necessary on this authority, I do not think it is desirable on this authority, and I really would be surprised if

many victims of crime would want to be on the authority as well. Anyway, we will not be supporting the amendments.

Ms TIERNEY — This issue was ventilated when we were dealing with questions under clause 1, but I would still like to reiterate the principal tenet of the government's view — that is, that we believe the membership requirements are broad enough to allow victims of crime to be considered for appointment.

Committee divided on amendments:

Ayes, 20

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

Noes, 20

Dalidakis, Mr	Mulino, Mr
Dunn, Ms	Patten, Ms (*Teller*)
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Ratnam, Dr
Hartland, Ms	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr	Springle, Ms
Melhem, Mr	Symes, Ms (*Teller*)
Mikakos, Ms	Tierney, Ms

Amendments negatived.

Mr O'DONOHUE — I move:

5. Clause 16, page 15, lines 31 and 32, omit ", (b) or (c)".

6. Clause 16, page 16, lines 3 and 4, omit ", (b) or (c)".

7. Clause 16, page 16, line 17, omit ", (b) or (c)".

8. Clause 16, page 16, line 31, omit ", (b) or (c)".

In effect they round up the intention of having the chair and deputy chair being a current or retired judge of a higher court or equivalent.

Ms PENNICUIK — The Greens will be supporting Mr O'Donohue's amendments 5 to 8, which specify that the chair, deputy chair, acting chair and acting deputy chair be drawn from new section 192F(2)(a) as amended — that is, be a sitting or retired judicial officer.

Ms TIERNEY — As I indicated earlier when we were discussing these and other matters under clause 1, the government will not be supporting these amendments.

Committee divided on amendments:

Ayes, 26

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr (*Teller*)
Bourman, Mr	O'Sullivan, Mr
Carling-Jenkins, Dr	Patten, Ms
Crozier, Ms	Pennicuik, Ms
Dalla-Riva, Mr	Peulich, Mrs
Davis, Mr	Purcell, Mr
Dunn, Ms	Ramsay, Mr
Finn, Mr (*Teller*)	Ratnam, Dr
Fitzherbert, Ms	Rich-Phillips, Mr
Hartland, Ms	Springle, Ms
Lovell, Ms	Wooldridge, Ms
Morris, Mr	Young, Mr

Noes, 14

Dalidakis, Mr	Mikakos, Ms
Eideh, Mr	Mulino, Mr
Elasmar, Mr	Pulford, Ms
Gepp, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr (*Teller*)
Leane, Mr	Symes, Ms
Melhem, Mr (*Teller*)	Tierney, Ms

Amendments agreed to.

Amended clause agreed to.

Ms TIERNEY — I wish to clarify a point that was raised when we were dealing with questions in clause 1. I confirm that eight recommendations of the Harper review are complete and a further 14 are being addressed and will be complete when the scheme is up and operating — so that makes it 22.

Clauses 17 to 54 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Ms TIERNEY (Minister for Training and Skills) (18:23) — I move:

That the house do now adjourn.

Child influenza vaccination

Ms WOOLDRIDGE (Eastern Metropolitan) (18:23) — I am pleased to contribute to the adjournment tonight. My adjournment matter is for the Minister for Health in the other place, and the action I seek is that the Andrews Labor government commit to free flu vaccinations for all children between the ages of six months and five years. I am seeking that commitment from the Minister for Health in relation to a very significant announcement that the Liberal-Nationals have announced — a commitment that this is absolutely vital and important for the future. We need to give parents confidence that the flu vaccination is safe and that it is an effective way to protect our children. Making sure that it is freely available would send exactly that message.

Unfortunately too many children are particularly vulnerable to flu and what we find, as we have seen this year with the flu season, is that thousands of Victorians are suffering — and there have been some tragic consequences for a small number, which is obviously very, very sad. Many parents do not have their children vaccinated against flu. This can be because of cost concerns; it can also be because of concerns about the vaccine itself. Interestingly, the Royal Children's Hospital conducts a poll in relation to a range of health issues, and the one that they conducted in relation to flu vaccines found that one in five parents said they could not afford the flu vaccine for their children and half of all parents reported they would vaccinate their child against the flu if the vaccine was free. So clearly there are many children missing out on the basis of cost, and making it free would make a very significant difference.

We also know that many parents have concerns about whether they should vaccinate their children. This is despite the fact that the Royal Children's Hospital has a very clear policy in relation to flu vaccinations for children, as does the National Health and Medical Research Council. So there are very clear messages that the flu vaccine is important and that it can help prevent flu or mitigate the effects of flu. They are supportive of all children, especially young children, getting vaccinated. That is why the Liberal-Nationals have announced a very clear policy commitment in relation to it.

The *Australian Journal of Pharmacy* at the time — and it was reported widely but it was interesting — reported that the Royal Australian College of General Practitioners welcomed the move, with the president, Dr Bastian Seidel, saying that a government-subsidised flu vaccination program is long overdue. There was a lot of support across the board, and of course I have had very supportive comments from families and parents across the board.

Interestingly, the response from the government, and I quote from an article from the *Herald Sun* of 22 September, was:

> Ms Hennessy said … the … announcement was 'half-baked and underfunded'.

That is very disappointing, given that her only policy is in relation to the fact that she wants to hand it over to the feds to do exactly the same thing. We do not think that you should hand it off or hand responsibility to someone else; this is something the state can step up to. In fact just yesterday the Queensland Labor government announced that they were providing free flu vaccinations for children over six month and under five. It is something Labor has done in other states, it is something Labor should do here and I call on the minister to commit to do so.

Underbool Early Learning Centre

Mr GEPP (Northern Victoria) (18:26) — The adjournment matter I wish to raise is for the attention of the Minister for Families and Children, and the action I seek is for the minister to update me on the progress of the Underbool Early Learning Centre in Mildura in my electorate of Northern Victoria Region. The Andrews government is committing —

The PRESIDENT — Mr Gepp, I hope you have actually got an action that goes further than that. To simply give you an update is not sufficient as an action for the minister, so when you conclude your matter please have a specific action and not simply an update to you.

Mr GEPP — Thank you. I am happy to take your guidance, of course, President. I sought advice earlier in the day and was given an indication that it was, so if I fall short, then I will do my best.

The Andrews government is delivering a record $70 million to build, expand and upgrade kindergartens across Victoria to ensure local families can continue to access great local kindergartens. As part of this record investment, the Underbool Early Learning Centre was due to be refurbished, with improvements made,

including the introduction of an integrated kinder program with long-day service.

Underbool is situated some 50 kilometres west of Ouyen on the Mallee Highway and 80 kilometres from the South Australian border. This wheat, wool and prime lamb-growing area is a great place to base yourself for a wonderful, relaxed holiday, close to many of our fantastic national parks in the north-west of the state. Underbool is also the gateway to the Pink Lakes. To the north lies the Murray-Sunset National Park, home to the picturesque Pink Lakes. They are at their brightest pink in both winter and spring — an absolute sight to see for all tourists.

At the early childhood development learning centre in Mildura children are able to attend from six weeks of age until their entry to prep at primary school. It is managed by the local Mallee Track Health and Community Service. The centre operates on Tuesdays and Thursdays from 8.30 a.m. to 5.30 p.m., offering a combination of long-day care for four-year-old kindergarten and three-year-old kindergarten children and programs. When attending an early learning centre a child's confidence, ability to use language and physical and social skills are developed through play, art, dance, music, movement and interacting with other children. This makes it the best way for these kids to be ready for school.

The action I am seeking is for the minister to provide significant detail on the progress of the development of the kindergarten, both in terms of the program and the infrastructure programs that were designed and referred to as part of the $70 million build.

Shepparton Sports Stadium

Ms LOVELL (Northern Victoria) (18:30) — My adjournment matter is for the Minister for Sport, and it relates to the redevelopment of the Shepparton Sports Stadium, now estimated by Greater Shepparton City Council to be close to $30 million. Considering this state government has committed $5 million for the new Bendigo basketball stadium redevelopment and $9 million for the new Ballarat sports centre in Wendouree and has fully funded the Traralgon Basketball Stadium, why is the minister treating Shepparton so poorly by limiting any contribution to $3 million or less and will the minister now commit to providing further funding based on contributions to other stadiums?

Greater Shepparton continues to forge a reputation as the sporting mecca of regional Victoria. It is the home of international-standard sporting facilities and the host of world-class sporting events. Whether it is hosting a leg of the international Beach Volleyball World Tour, the Australian BMX championships or a world-renowned triathlon event, Greater Shepparton continues to be a destination of choice for our country's top athletes and sporting organisations. Our reputation has been further enhanced by the recent opening of the Shepparton Sports City, a world-class sporting precinct redevelopment that houses soccer pitches, tennis courts, netball courts, hockey pitches and top-grade athletics tracks. Shepparton Sports City will allow Greater Shepparton to continue attracting high-quality sporting events, the latest being an A-League friendly between Melbourne City Football Club and Western Sydney Wanderers last month.

The final stage that will see the completion of Sports City is the badly needed redevelopment of the Shepparton Sports Stadium. The stadium, which has remained virtually unchanged since opening in 1972, hosts over 230 000 players and visitors each year and with current events injects an estimated $6 million into the Shepparton economy. I was pleased when the sports minister recently toured the stadium, where he saw the need for the redevelopment firsthand and was briefed on Greater Shepparton City Council's comprehensive *Shepparton Sports Stadium Future Direction Plan*.

In response to his visit, I asked the minister a constituency question, requesting that he provide a substantial funding contribution to the almost $30 million planned redevelopment. The minister's response to my question was nothing short of disgraceful, pathetically suggesting Greater Shepparton City Council could seek funding of up to $3 million from a future round of the Better Indoor Stadiums Fund. In the past we have continually seen Shepparton miss out on vital public transport investment, with money given to perennial favourites Ballarat, Bendigo, Geelong and the Latrobe Valley.

The planned Shepparton Sports Stadium redevelopment is yet another example of the Andrews Labor government prioritising the infrastructure needs of Shepparton well below those of other regional Victorian cities. Considering this state government has committed $5 million for the new Bendigo basketball stadium redevelopment and $9 million for the new Ballarat sports centre in Wendouree and has fully funded the Traralgon basketball stadium, why is the minister treating Shepparton so poorly by limiting any contribution to $3 million or less, and will the minister now commit to providing further funding based on contributions to other stadiums?

Yan Yean Road duplication

Mr LEANE (Eastern Metropolitan) (18:33) — My adjournment matter today is directed to the Minister for Roads and Road Safety, Luke Donnellan. I want to congratulate him and the member for Yan Yean in the Assembly, Danielle Green, on the announcement of the contract awarded for the Yan Yean Road duplication project between Plenty Road and Diamond Creek Road. It is a sizeable contract and quite a large project, and construction will start later this year. The action I am seeking from the minister is to ensure that the 10 per cent apprentice and trainee guarantee is applied to this project and that the contractor adheres to this. Also the contractor must adhere to policies that this government has when there is a construction project of this size by encouraging engagement of a number of Indigenous workers and a number of workers from other underemployed groups and ensuring that with some of the work that is to be subcontracted out some local social enterprises have an opportunity to tender for that work as well.

Taxi and hire car industry

Mr DAVIS (Southern Metropolitan) (18:34) — My matter for the adjournment debate tonight is for the attention of the Premier in the other place. I am in possession of a letter from Corrs Chambers Westgarth to the Premier dated 17 October. This concerns the Commercial Passenger Vehicle Industry Bill 2017 and their client, the Victorian Taxi Families Inc. They have been driven to write this letter because of the non-response of the Minister for Public Transport to many letters. They very clearly lay out the failure of the minister to respond to earlier letters — and I have copies of those letters as well, dated 8 May and 5 April — concerning matters surrounding the taxi industry.

The letter states:

> We write in relation to …

those matters and the state government's transition assistance program.

> The purpose of this letter is to make plain our client's concerns about these issues and to seek your assistance in addressing the injustice brought about by the revocation of perpetual taxi licences without payment of compensation for capital loss which was effected on 9 October 2017.

The letter refers to the previous letters to the relevant minister and the fact that the minister did not respond to either of those letters.

What I am seeking as an action from the Premier is that he respond as a matter of urgency to the correspondence directed to him from Corrs Chambers Westgarth and that he demand an early response from his minister too. He should pull her into line and make her respond to serious correspondence about a section of the community that is suffering considerably because of the government's actions.

The letter further says:

> On behalf of our client and its members we call for immediate action from the state government to redress the injustice.

Obviously this is a matter that is relevant to the transport minister, Jacinta Allan, but it is also, as I said, correspondence directed to the Premier seeking his action — his early assistance in addressing the injustice brought about by the revocation of perpetual taxi licences. It is clear that this is a matter that is impacting very severely. The Premier does need to recognise that there are families who have had their wealth destroyed — their superannuation — with families that are now on the poverty line because of the actions of his government and his minister. There are people who are facing all manner of very difficult circumstances. This is a plea, as I see from this letter, to the Premier for him to urgently act and respond and to make sure that his minister finally takes this matters seriously.

King Valley Prosecco Road

Ms SYMES (Northern Victoria) (18:37) — The matter I wish to raise this evening is a matter for the Minister for Agriculture. For a couple of hours this afternoon King Valley's finest was uncorked up in the Legislative Council committee room in a celebration of food, wine and the tourism mega drawcard of the King Valley Prosecco Road. Prosecco Road is a wine and tourism marketing initiative that brings together the five King Valley wineries: Brown Brothers, Chrismont, Dal Zotto, Pizzini Wines and Sam Miranda. Today's celebration upstairs was an opportunity for MPs, staff and anyone in the Parliament at the time to come and have a bit of a taste of the local prosecco.

The action I am particularly seeking is for the minister to take up with the federal trades minister the continued right to use the prosecco name through any free trade negotiations with the European Union (EU). The first Australian plantings of the grape variety prosecco occurred in the King Valley in 1974. Australian prosecco sales are currently worth $60 million and are growing at 56 per cent annually. The King Valley plans to grow the prosecco market to $500 million by 2022. This will provide significant regional development opportunities in jobs, infrastructure and tourism. The

export and further tourism opportunities associated with this growth are significant. There is broad scope for private sector investment activation, particularly as more and more people learn about this wonderful region of northern Victoria.

It has got to be noted that prosecco is not a similar situation to the champagne situation, which saw all champagne renamed sparkling wine unless it was from the region of Champagne in France. This is in relation to a particular grape variety that, as I said, has been grown in the region since 1974. Access to the prosecco name must be maintained in the same way as shiraz, cabernet and chardonnay are used for Australian wine producers both domestically and internationally. King Valley prosecco represents the greatest opportunity seen in the history of the wine region to deliver economic and social benefits to grapegrowers, winemakers and tourism operators. This opportunity must be protected and supported in any upcoming free trade agreement negotiations with the EU, and I urge the minister to take this up on behalf of the industry.

We had such a good response to the prosecco tasting upstairs that we thought maybe there might be a few of us that might like to see it on the parliamentary wine list this coming Christmas festive season. I will personally be raising that with some people within Parliament, but I also urge the minister's support in that regard.

Ballarat rail services

Mr MORRIS (Western Victoria) (18:40) — My adjournment matter this evening is for the attention of the Minister for Public Transport, and it relates to the unacceptably low on-time and reliability performance of the Ballarat train service. Many in this house would be aware of the shocking record that this government has with regard to the way the train service has been tracking, so to speak, of late. I note that in July 2015 the train service really did go off the rails when there was the removal of the train service and replacement buses were taking up all of the slack in the line.

Ms Bath — Were they rattled?

Mr MORRIS — They were exceptionally rattled, indeed, and they should have been rattled too, Ms Bath. What occurred there was nothing short of shameful. Unfortunately what we see here is that it appears the government is trying to condition the people of Ballarat to just accept an unreliable and slow train service. What we have seen again of late is a decline in the on-time performance as well as reliability of the Ballarat train service. That, in conjunction with the disgraceful dog's breakfast of an attempt to redevelop the Ballarat railway station precinct, is something that is certainly of great concern to many in the Ballarat community.

We know that Ballarat is a growing city. It is increasingly reliant on the train service to move people about, but the lack of reliability is certainly impacting on the capacity of people to be able to do so. It was just today that there was a track fault between Bacchus Marsh and Ballarat which saw the replacement of all trains with coaches. It is entirely unacceptable to have this as a regular occurrence on the train line, so the action that I seek from the minister is that she immediately commit to an investigation into strategies for how the train service in Ballarat can improve from the unacceptably low levels of both on-time performance and reliability that people in Ballarat are being forced to endure.

Moe & District Netball Association

Ms BATH (Eastern Victoria) (18:43) — My adjournment matter this evening is for the Minister for Sport, the Honourable John Eren. It relates to the needs of the Moe and Newborough communities, specifically the relocation of the Moe & District Netball Association to a new multisport complex in Newborough. The action I am seeking from the minister is to view the master plan that was approved by Latrobe City Council back in 2015 and to commit to funding the project either in or before the 2018–19 budget.

The Moe & District Netball Association is well governed by a great group of volunteers. The club is financially sound, and it is accredited by Netball Victoria. It offers well-run and inexpensive competitions with quality coaching. The courts are in operation seven days a week, including training and squad training, Saturday morning competition, Saturday afternoon competition, twilight competition, NetSetGO and mixed netball. Players range from the age of five to 55. In fact there were over 800 participants registered last year, and this achieved a Gippstar award for outstanding service and contribution to the local community.

The current facility was built in the 1980s, and the asphalt courts are non-compliant. The drainage is woeful and far too inadequate in our wet winters. The car park is far too small, and families are forced to park their cars on the busy road outside the courts, creating a safety concern when young players and spectators have to cross the road. The Moe & District Netball Association are desperate to move to the new facility in Newborough at Monash Reserve. The new facility will be shared by the Newborough paintball club and the

tennis association. The new facility requires a state government input of approximately $2.4 million. The federal government, courtesy of Mr Russell Broadbent, has pledged $800 000 to the project. The club will also provide funding.

Considerable funds have been pledged by the state government for the towns of Traralgon and Morwell, and to a lesser degree for Warragul, Churchill and Moe, but none have been pledged for Newborough. This is a vital facility. There are wonderful people there. I know from speaking to the president, secretary and club members that they have women who are returning to playing netball after not being able to do so for a long time. They have a great sense of community and camaraderie. They are improving their health and lifestyle as a result. So I ask the minister to view this plan, pledge that money and make sure it comes in or before the 2018–19 budget.

Responses

Ms TIERNEY (Minister for Training and Skills) (18:45) — We had eight adjournment matters this evening. The first was from Ms Wooldridge to the Minister for Health, seeking flu vaccinations for six-month-old to five-year-old children. Mr Gepp raised a matter for Minister Mikakos in relation to seeking details on the childcare build in Mildura. Ms Lovell raised a matter for the Minister for Sport seeking an extra financial contribution to the sporting stadium at Shepparton. Mr Leane raised a matter for the Minister for Roads and Road Safety seeking an assurance that there will be 10 per cent apprenticeships and traineeships implemented on a recent program announced yesterday morning along with the member for Yan Yean, and also for disadvantaged groups, particularly Indigenous people, getting the opportunity to be employed.

The fifth matter was from Mr Davis to the Premier. It was in relation to taxi licences, in particular asking for a response to correspondence from Corrs Chambers Westgarth to the Premier. The sixth matter was raised by Ms Symes, and it was for the Minister for Agriculture. It was about the access and use of the name ‘prosecco’ and wanting the Minister for Agriculture to lobby the federal Minister for Trade. Mr Morris raised an issue for the Minister for Public Transport. It was about the Ballarat train service and wanting the minister to commit to strategies to improve the service. Ms Bath also had a matter for the Minister for Sport, requesting that the minister view the master plan and commit to funding the Moe netball club precinct project.

I have written responses to the adjournment debate matters raised by Mr O’Donohue on 8 September 2017, Mr Elasmar on 19 September 2017, Mr Morris on 20 September 2017 and Ms Patten on 21 September 2017.

The PRESIDENT — On that basis the house stands adjourned.

House adjourned 6.48 p.m.