PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Thursday, 7 September 2017

(Extract from book 15)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 10 November 2016)

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Minister for 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 Barber, Mr Bourman, #Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Ms Hartland, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O'Sullivan and #Mr Rich-Phillips.

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

Standing Committee on Legal and Social Issues — #Mr Barber, #Ms Crozier, #Mr 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 Barber, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

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

Joint committees

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

Dispute Resolution Committee — (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge. (*Assembly*): Ms Allan, Mr Clark, 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

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina[1]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David[6]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel[2]	Western Metropolitan	AC	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	O'Sullivan, Luke Bartholomew[7]	Northern Victoria	Nats
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin[3]	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Pulford, Ms Jaala Lee	Western Victoria	ALP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Gepp, Mr Mark[4]	Northern Victoria	ALP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph[5]	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

[1] Appointed 16 April 2015
[2] DLP until 26 June 2017
[3] Resigned 27 May 2016
[4] Appointed 7 June 2017
[5] Resigned 6 April 2017
[6] Resigned 25 February 2015
[7] Appointed 13 October 2016

PARTY ABBREVIATIONS

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

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THURSDAY, 7 SEPTEMBER 2017

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Thursday, 7 September 2017

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

PERSONAL EXPLANATION

Dr Carling-Jenkins

Dr CARLING-JENKINS (Western Metropolitan) — Thank you, President. I appreciate your indulgence in being allowed to make a personal explanation to the house this morning. This is going to be a very difficult statement for me to make. I wish to thank my immediate family for their unwavering support after what has happened to me. I wish to thank my staff and parliamentary security for their protectiveness and support. And I wish to thank Victoria Police and the sexual offences and child abuse investigation team for their amazing diligence, support and professionalism in dealing with this case.

When I first came into this place I stated:

> Under my watch there will not be silence … so I stand here today and for the next four years as a voice for the vulnerable, a voice for the enslaved and a voice for the voiceless.

Today I rise to speak out on behalf of victims of a crime perpetrated by someone who was very close to me — in fact he was my husband. I have been silent on this topic until now only because I would not do anything to interfere with police investigations or judicial proceedings. But these are completely over, and so it is time to speak out on behalf of the voiceless and the vulnerable in this story — the victims — and to set the record straight about what transpired.

In February last year my son, Terrence Carling, and I discovered that my then husband, Gary Jenkins, had an extensive collection of child pornography. In this discovery I personally viewed deeply distressing images which have caused me immediate and then ongoing anguish. Gary was initially picked up based on witness statements that my son and I provided to the police. These statements were recorded shortly after our discovery.

I want to make one thing very clear: I had no idea prior to February 2016 that my husband was addicted to child pornography. I had believed for a long time that he was suffering from a mental illness, and I had attempted on numerous occasions to get him help. However, Gary had consistently rebuffed or sabotaged these attempts, and I thought at the time that that was another symptom of a mental illness. I look back now with clarity which only comes through hindsight around the lies, the deception and the cover-ups of Gary and his parents. Gary does not have a mental illness. His behaviour stemmed from something much more sinister.

The Victorian police embarked on a long and I would believe arduous investigation of the crimes. At the conclusion they achieved a conviction and a custodial sentence in the County Court. I do not believe that a sentence of a few months in jail and inclusion on the sex offender register was adequate given the seriousness of the crime. This is not a reflection on the Victorian police, their investigators or their prosecutors, who did an exceptional job.

I have no regrets, as a mother or a wife, in reporting and exposing this dreadful crime, which occurred within the privacy of my home. My son, Terrence, has no regrets either. But make no mistake — our lives were turned upside down the day of the discovery. We were gutted. My marriage ended instantly, and I left home the day I made that discovery and have not returned to the family home since, except to pick up belongings. I have no intention of returning to the house, which now holds such haunting memories, or to the marriage. I ceased all support the day I discovered that Gary had perpetrated such a horrendous crime.

Unfortunately, in true felonious style, he has used our time apart to abuse me financially, emotionally and psychologically. He has refused to give me a property settlement or any access to assets, leaving me with continued unstable accommodation. He has contacted my son repeatedly, whom he had little interest or investment in previously, and he has resisted signing divorce papers. Our system is such that whomever holds the assets can continue to abuse, leaving survivors vulnerable. I remain vulnerable financially and physically, fearful of my ability to protect myself and stay safe, having been subjected to vile stories, harassment and real threats.

However, my then husband's crimes are not about me, nor are they, in reality, about my ex-husband; they are about the victims — the little girls who were abused for the sick viewing pleasure of paedophiles. The faces of many are etched in my memory for eternity, and I pray that the police are able to identify — and rescue — as many of these poor, helpless and vulnerable victims as possible. I find myself now unconsciously searching the faces of little girls I see on the streets, distressed when a face triggers a memory of a photo or a video of a little girl that I glimpsed in his collection.

These little girls have lost their innocence, their childhood and their control over their destiny. These

little girls would not have been abused if people like my ex-husband did not provide a market for that abuse. This, above all, motivates me to move on, to move forward and to move towards a better way for all vulnerable Victorians.

Thank you, President, for allowing me to make this statement, and I thank members of the chamber for their respectful silence in listening to my statement.

RULINGS BY THE CHAIR

Personal explanations

The PRESIDENT — Further to the personal explanation just given by Dr Carling-Jenkins, I wish to make a brief statement to the house about personal explanations. Standing order 12.14 provides that:

> … with the consent of the President, a member may explain how he or she has been misrepresented or explain another matter of a personal nature.

In the past 20 years there have been only six personal explanations that have involved matters outside the chamber rather than correcting or explaining matters that have arisen in the chamber. In all six external matters the member was responding to something reported in the media about the member.

On this occasion I have granted the personal explanation to Dr Carling-Jenkins on the basis that, firstly, it clearly meets the standing order test of being 'of a personal nature'; secondly, it is a matter that already has some level of publication, because it is known by more than just Dr Carling-Jenkins and her family; thirdly, it is a matter that is highly likely to be more widely published at some point, even if Dr Carling-Jenkins did not make her statement today; and fourthly and finally, Dr Carling-Jenkins has complied with the standing order and cooperated fully with me to edit her statement into something that stays within the parameters of the appropriate content of a personal explanation.

I make these points because I regard these circumstances as being highly unusual and unlikely to change the more usual practice of personal explanations being used sparingly by members to address things said in the house or being published widely outside the house.

DOMESTIC ANIMALS AMENDMENT (RESTRICTED BREED DOGS) BILL 2017

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms PULFORD (Minister for Agriculture); by leave, ordered to be read second time forthwith.

Statement of compatibility

Ms PULFORD (Minister for Agriculture) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Domestic Animals Amendment (Restricted Breed Dogs) Bill 2017.

In my opinion, the Domestic Animals Amendment (Restricted Breed Dogs) Bill 2017, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will amend the Domestic Animals Act 1994 (the act) to:

a. further provide for the keeping, registration and identification of restricted breed dogs in Victoria;

b. clarify the 'dangerous dog' status of guard dogs that are retired to residential premises;

c. increase relevant payments made by councils to the Treasurer under the act; and

d. deal with other minor and related matters.

Human rights issues

Human rights protected by the charter that are relevant to the bill

The right to privacy and freedom of expression

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will not be 'unlawful' where it is permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be 'arbitrary' provided they are reasonable in the particular circumstances, and just and proportionate to the end sought.

Section 15 of the charter provides that every person has the right to freedom of expression, which includes the freedom to impart information and ideas of all kinds. The right has also been held to include the right not to impart information. However, special duties and responsibilities attach to this right; the right may be subject to lawful restrictions

reasonably necessary to respect the rights of others or for the protection of public order and health (amongst other things).

The rights to privacy and freedom of expression may be relevant to the extent that the bill inserts provisions that have the effect of requiring persons to provide certain information about 'dangerous dogs' they have in their possession or those they seek to sell or otherwise transfer to another person.

Specifically, clause 6 of the bill amends section 34A of the act to clarify that the definition of a 'dangerous dog', which includes a dog that is kept as a guard dog for the purpose of guarding non-residential premises, or has been trained to attack or bite any person or anything when attached to or worn by a person, extends to dogs of this kind that are now retired. The consequence of this amendment is to ensure that the provisions of the act that apply to owners of dangerous dogs apply to owners of retired guard dogs. These obligations relevantly include, in section 37(2) of the act, obligations to notify local council in the event of developments such as the owner changing address, the dog going missing, or the ownership of the dog changing; and in section 39 of the act, an obligation to display a warning sign that a dangerous dog is kept on premises. Clause 7 of the bill also inserts a new section 37(1BA) into the act, to provide that an owner of a dog that has at any time been kept as a guard dog must notify the local council in which the dog is being kept within 24 hours of commencing to keep the dog in that municipal district.

In addition, clause 8 of the bill makes it an offence for a person to sell or otherwise transfer a dangerous dog to another person without first advising the other person, in writing, that the dog is a dangerous dog. The purpose of this provision is to ensure that any person who takes ownership of a dangerous dog is aware that the dog is a dangerous dog and will therefore be aware of their obligations under the act and the regulations with respect to that dog.

In my view, clauses 6, 7 and 8 do not limit the rights to privacy or freedom of expression. Although clause 6 extends certain obligations to a broader range of dog owners, it does not increase the scope of the applicable regulatory provisions. Therefore, I do not consider it to give rise to any interference with the right to privacy. If a contrary view is taken, and clause 6 is considered to interfere with the right to privacy, in my view any such interference is neither unlawful nor arbitrary; the applicable regulatory provisions that apply to dangerous dogs are clearly set out in the act, and serve the clear and important purpose of upholding public safety. Guard dogs are deemed dangerous dogs on the grounds that they are taught or have a natural propensity to guard and/or to be aggressive. It is imperative that the general community is protected from these dogs, even after retirement. Further, clause 8 is a clear and necessary amendment; as such it is neither unlawful nor arbitrary and so does not limit the right to privacy.

Further, although the effect of these clauses is to impose requirements to impart information, in my view they do not limit the right to freedom of expression. The requirements are reasonably necessary in the interests of public safety and the responsible ownership of dangerous dogs, thereby falling within the internal qualifications on the right to freedom of expression.

The right to property

Section 20 of the charter provides that a person must not be deprived of their property other than in accordance with law. A deprivation of property is in accordance with law, and therefore does not limit this right, if the powers which authorise the deprivation are conferred by legislation or common law, are confined and structured rather than arbitrary or unclear, and are accessible to the public and formulated precisely.

Clause 13 is relevant to the right to property as it amends section 80 of the act to provide that if an authorised officer of a council reasonably believes a dog to be a restricted breed dog, they may seize the dog for the purpose of determining whether or not the dog is a restricted breed dog. The act provides for owners of such dogs to be notified of the seizure and of the relevant recovery requirements. Clause 15 then amends section 84L(2) of the act to provide that if the dog is a restricted breed dog, it may be held until it is destroyed under division 6 of the act if the owner is not able to be identified for the purpose of being served with a declaration that the dog is a restricted breed dog (and that certain ownership requirements therefore apply). In my view, any deprivation of property occasioned by these clauses will be in accordance with law and therefore do not limit the right to property. The power to seize and destroy dogs in accordance with the amended provisions is clear and necessary in order to protect the public from restricted breed dogs that are being kept by owners who either do not know the nature of the dogs in their possession, or are failing to comply with the requirements that attach to the ownership of such dogs, or simply cannot be identified.

Clause 17 is also relevant to the right to property as it amends section 84O of the act to provide that a restricted breed dog or dangerous dog must be destroyed if it has been seized and the owner has failed to recover it in accordance with the relevant recovery requirements under division 5 of the act. The power to destroy a restricted breed dog or dangerous dog in these circumstances is necessary as such dogs cannot be housed indefinitely or rehoused, particularly given the nature of the dogs in question and the specific requirements that relate to them. Clause 17 further provides that a dog or cat (other than a restricted breed dog or dangerous dog) must be either sold or destroyed if it has been seized and the owner has failed to recover it in accordance with the relevant recovery requirements under division 5 of the act. This power is also necessary as animals that have not been recovered by their owners cannot be housed indefinitely. The consequences that flow from a failure to recover an animal in each of these circumstances are clear and reasonable; therefore, in my view any resulting deprivation of property occasioned by clause 17 will therefore be in accordance with law and, as such, does not limit the right to property.

Hon. Jaala Pulford, MP
Minister for Agriculture

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms PULFORD (Minister for Agriculture).

Ms PULFORD (Minister for Agriculture) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The government is following through on its commitment to allow for the registration of restricted breed dogs in Victoria, including the American pit bull terrier, Japanese tosa, fila Brasileiro, dogo Argentino and presa Canario, while retaining other protective measures.

There is a need to balance supporting the benefits of dog ownership and protecting the community from dangerous dogs and irresponsible dog owners. There is also a need to protect dogs that may be in danger of being euthanased when the moratorium ends on 30 September 2017.

The bill follows the recommendation of the parliamentary inquiry conducted by the Economy and Infrastructure Standing Committee. This bill is consistent with the recommendation to keep other restrictions related to the ownership and management of restricted breed dogs. This means that owners of restricted breed dogs, such as pit bulls, will still be required to have mandatory signage on their property, microchip and desex their dogs and ensure their dog wears a mandatory collar. Restricted breed dogs must also be muzzled and leashed when outside of their properties.

These protections will ensure that the community continues to be safe.

There is currently confusion in the community regarding the retirement of guard dogs, and their status as dangerous dogs. Under the act, a guard dog refers to a dog kept for the purpose of guarding non-residential premises.

It is the intention of the act, that once deemed dangerous, the dog will always be deemed dangerous. This bill clarifies this, by ensuring that owners of guard dogs who have retired their dog from guard duties, must continue to register their dog as dangerous for its lifetime.

The bill will also increase the existing payments to the Treasurer to $4 annually for both dogs and cats. This payment has not been increased since 2010.

The payment is used to fund a world-class program to educate expectant parents, preschool and school-aged children on dog safety and responsible dog ownership. In 2016–17, DEDJTR provided programs to around 2200 preschools, 900 schools, 70 hospitals and 500 maternal and child health centres in Victoria.

The payment is also used for promoting responsible dog and cat ownership and animal welfare, research into domestic animal management and the administration of the act.

I commend the bill to the house.

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

Debate adjourned until Thursday, 14 September.

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

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms PULFORD (Minister for Agriculture); by leave, ordered to be read second time forthwith.

Statement of compatibility

Ms PULFORD (Minister for Agriculture) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017.

In my opinion, the Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

Body-worn cameras

The bill contains a number of measures to ensure that body-worn cameras can be lawfully used by Victoria Police and other prescribed persons in their day-to-day duties and to protect against the unauthorised publication of footage taken by the cameras. The need for these measures arises from a recent investment in police equipment and technology so that Victoria Police can remain at the cutting edge of fighting serious crime and keeping our community safe.

A trial of body-worn cameras will be undertaken by Victoria Police, followed by a full rollout of body-worn cameras for all frontline officers.

The Surveillance Devices Act 1999 regulates the installation and use of listening devices and optical surveillance devices. Unless a warrant has been issued, the use of such devices to record private conversations is prohibited. While body-worn cameras can be used in most circumstances without legislative amendment, it is likely that their use may from time to time record private conversations, particularly when used by police attending an incident at a private residence.

The bill amends the Surveillance Devices Act to ensure that the use of body-worn cameras, as intended, is explicitly permitted by the act. The bill will not provide a blanket exception for the use of body-worn cameras. The exception

for body-worn cameras will only apply to their overt use, or use that is incidental to their overt use or is otherwise inadvertent. This will ensure police are still required to obtain a warrant where they intend to covertly capture private conversations.

The bill also amends the Surveillance Devices Act to ensure appropriate protection against the inappropriate disclosure of body-worn camera footage. The bill extends the current protections under the act to footage obtained from covert surveillance devices, so that similar protections apply to the disclosure of body-worn camera footage. The bill will allow for sharing and publication of body-worn camera footage under certain limited circumstances, including law enforcement and training purposes.

Body-worn camera footage will be available to assist IBAC, Victoria's anti-corruption agency, 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.

To provide for flexibility in relation to the technology used, the bill provides for the same protections and restrictions to apply to the overt use of tablet computers as will apply to body-worn cameras.

As body-worn camera technology is relatively new, there may be demand for the use of body-worn cameras by other classes of workers. To provide for the lawful use of these devices by other workers in the future, should the need arise, the bill inserts a regulation-making power that will allow a prescribed person or class of persons to be subject to the same body-worn camera protections and restrictions as will apply to police officers. Any new regulations are subject to a human rights assessment and certification process, as well as being tabled before the Parliament.

Human rights issues

Use of body-worn cameras

The bill provides for measures to ensure that body-worn cameras can be lawfully used by Victoria Police and prescribed persons in their day-to-day duties.

It has been demonstrated both in Australia and internationally that there are many benefits attributable to the use of body-worn cameras by police, including an increase in police transparency and accountability; improving officer and citizen behaviour; reducing instances of violence; and assisting police officers in fulfilling their important role of preventing crime and keeping the community safe. Accordingly, the bill will promote rights under the charter where the increase in oversight and transparency in police conduct will provide greater protection in relation to rights such as section 9 (right to life) and section 10 (protection from cruel, inhuman and degrading treatment).

The use of body-worn cameras, however, like all cameras used in public, may unintentionally or inadvertently record private conversations between persons. Therefore, the right to privacy and reputation in section 13 of the charter is relevant.

In my view, although provisions of the bill may permit interference with the rights to privacy and reputation, for the reasons outlined below they will not constitute a limit on the right in section 13 and are therefore compatible with the charter.

The right to privacy (section 13)

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have his or her reputation unlawfully attacked. If an interference with a person's privacy and reputation is lawful and not arbitrary, then it will not come within the scope of s 13. Limitation of the right to privacy arises only where there is first an interference with the right, and second that interference is either unlawful or arbitrary.

Clauses 4(1) and 5(1) of the bill amend the Surveillance Devices Act to provide that the installation, use and maintenance of body-worn cameras does not constitute an offence under that act. It is possible that body-worn cameras, used as intended, could inadvertently record third-party private conversations. The bill therefore permits an interference with a person's right to privacy.

The bill clearly establishes an exemption to the prohibition on the use of recording devices to body-worn cameras and tablets and therefore any interference with privacy caused by these devices is provided for by law and is not unlawful.

The requirement that all interferences with privacy must not be arbitrary means that interferences with privacy that are provided for by law, as in this case, should occur in accordance with the provisions, aims and objectives of the charter and should be reasonable in the particular circumstances. The interference with privacy under the bill is reasonable in the circumstances. The bill allows for the use of body-worn cameras in order to achieve the legitimate aim of promoting the safety of the community and allowing police to remain at the forefront of cracking down on serious crime. The bill only allows police officers and prescribed persons to use body-worn cameras in an overt manner (where members of the public will be aware that they are being recorded), and in the ordinary course of their duties; it will still be unlawful for a person to use a body-worn camera to record private conversations in a non-overt manner or outside of the ordinary course of a person's duties.

Additionally, the bill contains safeguards to ensure that private conversations are appropriately protected and managed, namely:

> Clause 7(2) amends the Surveillance Devices Act to classify all body-worn camera footage of private conversations or activities as 'local protected information'. Any unauthorised disclosure of this information is a serious offence and carries penalties of up to two years imprisonment or a fine of over $38 000, or both. Body corporates face a fine of over $190 000. In circumstances where disclosure of the information could endanger a person's safety or could prejudice the conduct of an ongoing investigation, individuals face heavier penalties of up to 10 years imprisonment or a fine of over $190 000, and body corporates could face a fine of over $950 000.
>
> Clause 7(1) permits the use of body-worn camera footage only under certain circumstances, being for education and training, and for other purposes prescribed by regulations.

These measures are in place to ensure that any personal information captured by body-worn cameras or tablets are subject to rigorous protections from unauthorised disclosure.

There is an exemption to the offence of recording private conversations, which only applies in specified circumstances, that is, if a recording is inadvertent, unexpected or incidental to that use.

There will be a general presumption that body-worn cameras will be used by police when interacting with members of the public and during their official duties. Officers will make recordings on both private and public property. Victoria Police will provide additional guidance to officers through policy, procedures and training as to when they should and should not record.

Like other evidence gathered by Victoria Police, the use of body-worn cameras and the storage of body-worn camera footage is intended to be done in accordance with the information privacy principles contained within the Privacy and Data Protection Act 2014 and the standards for law enforcement data security as developed by the commissioner for privacy and data protection.

For the reasons explained above, I consider that any interference with privacy by the bill is lawful and is not arbitrary and is therefore not a limitation on privacy within the meaning of the charter.

Information sharing in sexual offence cases

Under the Sex Offenders Registration Act 2004, courts are required to provide details of the sentence or determination of an appeal relating to the registration of a sex offender to the Chief Commissioner of Police as soon as practicable. However, there have been delays in the provision of this information to Victoria Police due to the operation of the Judicial Proceedings Reports Act 1958.

The Judicial Proceedings Reports Act prevents a person from publishing, or causing to be published, any matter that contains any particulars likely to lead to the identification of victims in cases involving sexual offences. While these provisions are designed to protect victims, the courts have adopted an interpretation that requires them to anonymise sentencing remarks before they are released. This causes unnecessary delay and can impact on the ability of the sex offenders registry to discharge its duties to monitor dangerous sex offenders and keep the community safe from the risk of reoffending by those offenders.

To address this, the bill amends the Judicial Proceedings Reports Act 1958 to clarify that information about sentences in sexual offence cases can be shared between the courts and entities carrying out statutory functions, including the sex offenders registry operated by Victoria Police.

<u>The right to privacy (section 13)</u>

The bill amends the Judicial Proceedings Reports Act 1958 to:

- facilitate disclosure of information to the sex offenders registry operated by Victoria Police; and
- create a regulation-making power in the act to facilitate disclosure of information to other justice agencies as appropriate.

Currently, the act allows for disclosure of information in sexual offences cases to the Judicial College of Victoria and the Sentencing Advisory Council. It is intended that these agencies will be listed, together with the sex offenders registry, in regulations made under the new regulation-making power.

The information disclosed may relate to victims, offenders, and in some cases relevant third parties. Therefore, the right to privacy and reputation in section 13 of the charter is relevant. As I have noted above, section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 13(b) provides that a person has the right not to have his or her reputation unlawfully attacked.

In my view, although the bill will permit an interference with a person's privacy and reputation for the reasons outlined below the proposals will not constitute a limit on the right in section 13 and are therefore compatible with the charter. First, providing sentencing remarks to the sex offenders registry arguably does not amount to 'publication' and is already permissible under the act. The bill intends to clarify this position and put beyond doubt the legality of sharing such information in order to reduce unnecessary delay.

Second, any information disclosed to the sex offenders registry will be subject not only to the strict non-disclosure provisions in the Sex Offender Registration Act 2004, but also to the information privacy principles contained within the Privacy and Data Protection Act 2014; the sex offenders registry will treat any information of a personal nature contained in sentencing remarks accordingly. Victims' identities will remain secret.

Third, and most importantly, any interference with a person's privacy or reputation is for the purpose of reducing delay and allowing the sex offenders registry to perform its duties in a timely and efficient manner. The importance of the duties of the sex offenders registry in protecting the public against dangerous sex offenders can be balanced against a victim's right to privacy or reputation. The bill's very limited impact on the privacy rights of victims can also be balanced against the important purpose of protecting the community and the rights of members of the community including, for instance, the right to protection of families and children (section 17) and the right to life (section 9). The interference is therefore not arbitrary and is appropriately justified.

For these reasons, I am satisfied that the provisions in the bill relating to information sharing for sexual offence cases will not unlawfully nor arbitrarily interfere with a person's right to privacy and reputation.

The Hon. Gayle Tierney, MP
Minister for Corrections

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms PULFORD (Minister for Agriculture).

Ms PULFORD (Minister for Agriculture) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

On 17 April 2016, the government announced a $596 million public safety package, delivering on its promise to give Victoria Police the necessary resources to continue cracking down on serious crime and keeping our community safe.

The package includes a major investment in equipment and technology so that Victorian police remain at the cutting edge of responding to gang-related crime, gun crime, terrorist threats, family violence and the scourge of ice.

A key part of this investment is the deployment of body-worn cameras to be used by all frontline police. The footage captured by these devices will be used to support prosecutions, as evidence in police disciplinary matters and for police training.

The Justice Legislation Amendment (Body-worn Cameras and Other Matters) Bill 2017 ensures that these devices can be used lawfully and the footage is appropriately protected. The bill is the first tranche of body-worn camera legislation, paving the way for a subsequent bill to support the use of body-worn cameras for recording statements in family violence matters and allow these statements to be used by victims as their evidence-in-chief. This subsequent bill will allow for acquittal of recommendation 58, one of the 227 recommendations of the Royal Commission into Family Violence that this government has committed to implementing.

The bill also facilitates the disclosure of sentencing information to specific government agencies in sexual offence cases. This will reduce unnecessary delay in sharing information and allow the sex offender registry to continue to perform its important task of keeping the community safe from dangerous sex offenders.

Body-worn cameras

Body-worn cameras are small, battery-powered cameras worn on the body of a police officer. They allow audio and video capture of interactions between police officers and members of the public and real-time capture of video evidence at the scene of a crime.

These devices are already used by police forces in a number of jurisdictions in Australia and abroad. New South Wales has been using body-worn cameras since a successful trial conducted in 2013. Queensland began a statewide rollout of 2700 cameras in July last year. Tasmania, Western Australia, the Northern Territory are following suit. The technology has been successfully used throughout the United Kingdom for years.

Experiences in these other jurisdictions have demonstrated that body-worn cameras offer a range of advantages to both the police and the wider community.

Body-worn cameras improve police transparency and accountability. They prevent frivolous complaints against police, saving taxpayer dollars. The devices also encourage good officer and citizen behaviour and are associated with reductions in the use of force.

The footage obtained by the cameras will also allow for a greater range of reliable evidence that can be used in court. This new technology will assist police in fulfilling their role responsibly, preventing crime and keeping us safe.

The use of body-worn camera footage, in most circumstances, is already permissible under the same laws that govern the use of CCTV footage. However, a body-worn camera, used as intended, may from time to time inadvertently record private conversations, particularly when used by police attending an incident at a private residence. Due to the operation of the Surveillance Devices Act 1999, such instances may constitute an offence.

To address this issue, the bill amends the Surveillance Devices Act to ensure that the use of body-worn cameras is explicitly permitted. Without these amendments, police would need to obtain a warrant every time they record a private conversation.

The bill does not provide a blanket exception for the use of body-worn cameras. The exception will only apply to the overt use of body-worn cameras, or use that is incidental to their overt use or is otherwise inadvertent. This will ensure police are still required to obtain a warrant where they intend to covertly capture private conversations.

The bill ensures there are adequate protections against the unauthorised disclosure of footage captured by the cameras. Use of this footage will only be permissible in certain circumstances, such as for police training and the use in law enforcement duties.

The bill also adds a regulation-making power to allow for certain persons or classes of persons to be lawfully able to use body-worn cameras in the same way as police. This flexibility is in recognition that body-worn camera technology is new and there may be demand for lawful use of the technology by other classes of workers, particularly those at risk of occupational violence. Rather than being reactionary, this government is proactively creating a mechanism for other classes of workers to use body-worn cameras in the future, when and if the need arises. Any addition of a new class of worker to this category will, of course, be carefully scrutinised.

Sharing information between the courts and entities such as the sex offenders registry

The harm caused by sexual offending has devastating impacts on the emotional wellbeing of victims. The sex offenders registry, maintained by Victoria Police, helps to protect the community from the serious physical and psychological harm posed by sex offenders. This government does not want vital information that should be shared with the registry held up by bureaucratic red tape.

Currently, courts are required to provide details of sentences and determination of appeals relating to the registration of a sex offender to the Chief Commissioner of Police as soon as practicable. However, the Judicial Proceeding Reports Act 1958 restricts a person from publishing any information likely to lead to the identification of victims in cases involving sexual

offences. This has led to sentencing remarks being anonymised before they are provided to the sex offenders registry.

Redacting court documents imposes a significant administrative burden on the courts. It is also the cause of undue delay in the provision of details to the police, making it difficult for the sex offender registry to execute its duties in a timely and efficient manner.

This bill amends the Judicial Proceeding Reports Act to facilitate disclosure of information to the sex offenders registry. It also creates a regulation-making power to facilitate disclosure of information to other justice agencies as appropriate.

These amendments will enable courts to share sentencing remarks with the sex offender registry without the requirement to redact them first.

Subsequent amendments to support the use of body-worn cameras in family violence incidents

The government supports the recommendation of the Royal Commission into Family Violence that there be a trial into the use of body-worn cameras to record statements from victims in family violence incidents, for use as evidence-in-chief in court proceedings.

As the legislation needed to support this trial is complex, the policies underpinning the legislation must be carefully developed. For this reason, the government intends to introduce these amendments as part of a subsequent bill. The government is currently working with Victoria Police, the courts and other justice stakeholders to progress these changes.

Conclusion

The measures contained in this bill will ensure that Victoria Police have the equipment they need to continue fulfilling their important role in our society. It will also ensure that the sex offender registry will be able to continue protecting the public from dangerous sex offenders without being delayed by unnecessary red tape.

I commend the bill to the house.

Debate adjourned for Mr O'DONOHUE (Eastern Victoria) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 14 September.

PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2017

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms PULFORD (Minister for Agriculture); by leave, ordered to be read second time forthwith.

Statement of compatibility

Ms PULFORD (Minister for Agriculture) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Parks and Crown Land Legislation Amendment Bill 2017 (the bill).

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

Overview of the bill

The bill will:

add the Anglesea Heath to the Great Otway National Park and make amendments to several parks and reserves, including amending the names of two parks;

streamline the process for making, amending and revoking codes of practice under the Conservation, Forests and Lands Act 1987;

remove government representatives from the memberships of an advisory council and two boards, and enable the two boards to appoint their chief executives;

enable the minister to prescribe sitting fees and other expenses for various advisory committees, and remove the prohibition on public sector employees receiving payments for their services on two statutory entities;

enable the minister to consent to a reasonable right of access across a park to a person whose land is surrounded by the park;

make other amendments to several acts, including in relation to appointing litter enforcement officers for Crown land, the definition of 'central plan office', the preparation of reports and corporate planning documents, the granting of certain leases and licences, and the Royal Botanic Gardens board carrying on a business of selling plants.

Human rights issues

Section 12 — Freedom of movement

Section 12 of the charter provides for the right for every person to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live. It includes the freedom from physical barriers and procedural impediments.

Clause 32 will insert new clauses 29 and 30 into schedule one AA to the National Parks Act. These clauses provide that certain areas of land cease to be roads when they are included in the Great Otway and Greater Bendigo national parks respectively. Clauses 10, 34, 35, 36, and 38 provide for the addition of Crown land to several existing parks and reserves.

These provisions could be perceived to affect the right to freedom of movement, to the extent that a person can move freely around Victoria by passing across the sites which are subject to those clauses. However, the provisions do not restrict a person from moving freely within the new reserve or park areas or within Victoria. Therefore, the bill will not limit the right protected under section 12 of the charter.

Section 18 — Taking part in public life

Section 18 of the charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. It further provides that every eligible person has the right, and is to have the opportunity, without discrimination, to have access, on general terms of equality, to public office.

Clauses 19, 52 and 57 of the bill will amend relevant sections of the National Parks Act 1975, the Royal Botanic Gardens Act 1991 (RBG act) and the Zoological Parks and Gardens Act 1995 (zoos act) to have the effect of removing government representatives or their nominees from the memberships of the following statutory entities: National Parks Advisory Council, the RBG board and the zoos board. In all other respects, the criteria for membership remain unchanged. New section 60 of the RBG act (as inserted by clause 50 of the bill) and new section 51 of the zoos act (as inserted by clause 65 of the bill) are related provisions.

The removal of government representatives from the memberships of the three statutory entities may be perceived as discriminating against certain persons. However, these persons are public sector employees and, despite the removal of the positions, there is no discrimination against those members, or any other person, which prevents them from applying for membership of the entities. The skills or experience requirements for members do not engage any attribute protected against discrimination, or conduct constituting discrimination, under the Equal Opportunity Act 2010 that is also discrimination under the charter. Therefore, the bill will not limit the right protected under section 18 of the charter.

Section 20 — Property rights

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

Clause 32 of the bill will insert new clauses 29 and 30 into schedule one AA to the National Parks Act. Those clauses provide that certain areas of land cease to be roads when they are included in the Great Otway and Greater Bendigo national parks.

This could be perceived to affect the rights of those who own adjoining freehold land because the roads provide legal access to the freehold. However, in the case of the Great Otway National Park, legal access will continue to be provided along the main access road to the freehold land. In the case of Greater Bendigo National Park, the road closure is accompanied by an excision from the park to enable the creation of a government road along a more suitable route. In both cases, there will be legal access to the freehold land. Therefore, the bill will not limit the rights protected under section 20 of the charter.

Hon. Gavin Jennings, MLC
Special Minister of State

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms PULFORD (Minister for Agriculture).

Ms PULFORD (Minister for Agriculture) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

In summary, the bill will:

deliver the Andrews Labor government's 2014 election commitment in *Our Environment, Our Future* to incorporate the Anglesea Heath into the Great Otway National Park;

make additions or other amendments to several other parks;

amend the names of Mount Eccles National Park and Canadian Regional Park in relevant acts to reflect their Aboriginal names;

streamline various administrative processes in several acts so that they are more efficient and 'fit for purpose';

modernise the governance arrangements applying to several government boards and advisory bodies in the Crown land portfolio; and

make several other improvements and amendments.

Protecting exceptional biodiversity — adding Anglesea Heath to Great Otway National Park

Maintaining and enhancing a world-class system of protected areas is a key priority of Victoria's recently released biodiversity plan *Protecting Victoria's Environment — Biodiversity 2037*. Incorporating the Anglesea Heath in the adjoining Great Otway National Park will be a major contribution to achieving this objective.

The Anglesea Heath has exceptional biodiversity conservation value. It is considered internationally significant for its floral diversity, has the richest flora recorded in Victoria and is one of the most orchid-rich sites in Australia. It supports several rare or threatened plant and animal species, and has considerable biogeographic significance, including plant species that are endemic to the area and plant communities which are rare or uncommon in Victoria. As a place to visit, the heath is renowned for its exceptional wildflower displays in spring and it is a quiet haven away from the popular coastal areas around Anglesea to the south.

The permanent protection of the remarkable conservation values of the area has been a long-held goal of many, including ANGAIR (Anglesea, Aireys Inlet Society for the Protection of Flora and Fauna), the Australian Conservation Foundation, the Geelong Environment Council, the Great Ocean Road Committee and the Victorian National Parks Association, as well as members of the broader community.

From 1961, Alcoa held rights to occupy more than 7000 hectares of the heath under the Mines (Aluminium

Agreement) Act 1961. This enabled it to explore for and mine brown coal to fuel the Anglesea power station which, until 2015, supplied power to the Point Henry aluminium smelter.

Notwithstanding this arrangement, much of the area has remained substantially undisturbed and since 2000, with Alcoa's agreement and strong support, Parks Victoria has managed a large part of it for conservation in a similar manner to the adjoining park — initially Angahook-Lorne State Park and, since 2005, the Great Otway National Park.

In December 2016, Alcoa surrendered its rights over most of the area. This now enables a large proportion of the heath to be incorporated into the national park in line with the government's election commitment.

The bill will provide for the addition of approximately 6420 hectares to the park. This is mostly land over which Alcoa has surrendered its rights but it also includes a contiguous area of the Otway Forest Park (52 ha) and other small areas of Crown land which are more logically managed as part of the national park.

As part of rehabilitating the mine site, Alcoa may need to access some of the additions to obtain seed for revegetation works or to carry out rehabilitation works. The bill allows for this, provided that any such works are authorised by the Secretary to the Department of Environment, Land, Water and Planning (the secretary).

Other park additions and amendments

The bill will also make amendments to several other parks, including the following:

Croajingolong National Park — the addition of 27 hectares east of Mallacoota Inlet which was acquired some time ago for inclusion in the park;

Greater Bendigo National Park — the addition of a short section of mostly vegetated government road and the excision of a smaller area along a cleared powerline easement (to become a government road), with a net addition to the park of 0.2 hectares; and

Warrandyte State Park — minor amendments to the park boundary in the vicinity of the Warrandyte Bridge.

Of particular interest, the bill will add the recently acquired Monster Meeting site (1.66 ha) near Chewton to Castlemaine Diggings National Heritage Park. This park has outstanding cultural significance related to the gold rush era and is of potential World Heritage significance. Its historic value will be enhanced by the addition. The meeting held on the site on 15 December 1851 and attended by up to an estimated 15 000 people is considered to be the first mass protest against a government in Australia and a direct precursor of the Eureka rebellion and the battle of the Eureka Stockade three years later.

Recognising Aboriginal culture — renaming Canadian Regional Park and Mount Eccles National Park

The bill further recognises the connection of traditional owners to country by amending the names of two parks in the Crown Land (Reserves) Act and the National Parks Act. The new names follow extensive consultation processes and were registered by the registrar of geographic names on 23 March 2017.

The new name of Canadian Regional Park — Woowookarung Regional Park — fulfils the government's commitment when the park was created in 2016 to investigate a suitable Indigenous name for the park that acknowledges its location in Wadawurrung country. 'Woowookarung' means 'place of plenty' in the Wadawarrung language. The connection to the history of the name 'Canadian' will continue to be recognised in the neighbouring suburb Canadian and features such as Canadian Creek and Canadian Lead.

The new name of Mount Eccles National Park — Budj Bim National Park — recognises the original name of the peak previously known as Mount Eccles — Budj Bim. This means 'high head' and is recognised by the traditional owners as part of the ancestral creator's body. Restoration of the name 'Budj Bim' complements the work being done by the Gunditjmara people and the Australian and Victorian governments to seek World Heritage listing for the Budj Bim Cultural Landscape, following its inclusion on Australia's World Heritage tentative list earlier this year. The national park is a critical part of this exceptional cultural landscape.

Streamlining administration

In recent years, several bills have amended various acts related to Crown land to improve their workability and to update various provisions. This bill also includes amendments to several acts to streamline administrative processes so that they are more efficient and 'fit for purpose'. The amendments aim to reduce administrative red tape and make better use of resources while maintaining appropriate checks and balances.

Streamlining the process for making codes of practice

The Conservation, Forests and Lands Act 1987 (CFL act) enables the minister to make codes of practice to specify standards and procedures for the carrying out of any of the objects or purposes of a relevant law. The act sets out a process for making, varying or revoking a code, involving consultation, tabling in Parliament and possible disallowance. Since 2011, codes prepared under the CFL act have been prescribed as legislative instruments under the Subordinate Legislation Act 1994 and are therefore also subject to the consultation, tabling and disallowance requirements of that act.

The processes under the two acts duplicate each other to a large extent. For example, under the CFL act, a draft code must be tabled in Parliament and is subject to disallowance. If not disallowed and the code is made, the code must be tabled again under the Subordinate Legislation Act and is again subject to disallowance.

The bill will remove unnecessary duplication so that only the requirements of the Subordinate Legislation Act will apply to making, varying or revoking any code that is a legislative instrument. The bill will also align the minimum period for making submissions on a draft code or a proposed variation or revocation with the Subordinate Legislation Act, and will remove the need to give notice of the proposed making of a code or a variation if it is fundamentally declaratory or machinery in nature.

The bill will also remove the requirement in the CFL act to table incorporated documents associated with a code since these duplicate the requirement to do so in the Interpretation of Legislation Act 1984.

Simplifying the process for appointing litter enforcement officers for Crown land

The Environment Protection Act 1970 enables litter authorities to appoint litter enforcement officers. The management of Crown land falls under several acts and, depending on the act under which the land is managed, the responsible minister, a committee of management or the secretary is responsible for the land. This complicates the appointment of employees of the Department of Environment, Land, Water and Planning (DELWP) or Parks Victoria as litter enforcement officers across Crown land generally.

To simplify the appointment process, the bill will amend the Environment Protection Act to enable the secretary to appoint persons as litter enforcement officers for the purposes of all land managed under the land management acts.

Standardising the definition of Central Plan Office

The Survey Co-ordination Act 1958 requires DELWP to maintain a Central Plan Office (CPO). The CPO is Victoria's virtual storeroom for state government surveys and plans and is referred to in many acts and some regulations.

The CPO is commonly defined in legislation by reference to the name of the department in which it is located at a particular time. Machinery of government changes mean that the name of the department may subsequently change. Although there are statutory processes to assist in interpreting the current name of the department administering the CPO, inevitably the many acts which refer to the CPO need to be updated.

The bill will avoid this by inserting a definition of the CPO in the Interpretation of Legislation Act 1984 which applies to all acts and regulations. Instead of linking the CPO to a department, the bill will define the CPO as the 'Central Plan Office maintained under the Survey Co-ordination Act 1958' and will make consequential amendments to the many acts in which the CPO is mentioned.

Modernising the fixing of sitting fees and allowances for members of advisory bodies

The National Parks Act and Reference Areas Act provide that the sitting fees and allowances paid to members of the National Parks Advisory Council, park advisory committees and the Reference Areas Advisory Committee are fixed from time to time either by the Governor in Council or by regulation.

In more recent times, appointment and remuneration guidelines administered by the Department of Premier and Cabinet have standardised the fees paid to members of advisory committees across government. The guidelines also direct that allowances are to be paid in accordance with departmental policies existing from time to time.

Recognising the whole-of-government role of these guidelines, the bill will shift the responsibility for fixing fees and allowances to the minister. This will provide administrative efficiencies as well as promoting consistency across government.

Refining the reporting process for new national and state parks

The National Parks Act requires a report to be prepared and tabled in Parliament within 12 months in relation to any new national or state park. Instead of reporting on proposed actions, the bill will require the secretary to include in the annual report on the National Parks Act a summary of the actions taken to establish any new national or state park in the 12 months after the creation of the park. The annual report is tabled in Parliament.

Simplifying the requirements for preparing corporate planning documents

The Royal Botanic Gardens Act 1991 and the Zoological Parks and Gardens Act 1995 (zoos act) set out prescriptive requirements for the respective boards to prepare and provide corporate plans, business plans and statements of corporate intent.

To ensure that corporate planning documents keep pace with contemporary best practice and reflect whole-of-Victorian-government policy, the bill will remove from the two acts some of the prescription governing their preparation. Instead, each board will be required to prepare documents in a form approved by the minister, containing the information required by the minister and by the date fixed by the minister. The content will be informed, for example, by whole-of-government documents such as the Department of Treasury and Finance's published requirements for corporate planning for government business enterprises.

Streamlining the approval of granting leases and licences

The Royal Botanic Gardens Act and the zoos act currently require the Governor in Council to approve the respective boards granting any lease or certain licences over land for which they are responsible.

The bill will amend the two acts to enable the minister, instead of the Governor in Council, to give this approval. This will make for more efficient and timely administration while retaining an appropriate level of scrutiny.

Enabling the remuneration of public sector employees when serving as board members

The Victorian Environmental Assessment Council Act 2001 (VEAC act) and the zoos act prohibit members of the council or the zoos board who are also public sector employees from being remunerated for their service.

Public sector employees are generally not appointed to government boards, because of the risk of actual or perceived conflict between their role and duties as public servants and as board members. However, there are circumstances where such appointments might be appropriate, such as when a person with particular skills or experience is appointed in a personal capacity and unrelated to their public sector employment.

The government's appointment and remuneration guidelines referred to earlier set out when it is appropriate to remunerate a board member who is also a public sector employee. Recognising the application of these guidelines across government, the bill will amend the VEAC act and the zoos act to remove the prohibition on payment to members who are public sector employees.

Modernising governance

The bill also includes amendments which will modernise governance in relation to several government boards and advisory bodies.

Removing conflicts of interest

The membership of the National Parks Advisory Council (NPAC), Royal Botanic Gardens board and the zoos board variously include the secretary or the department head or his or her nominee and the chief executive officer of Parks Victoria. This raises conflict of interest issues. In the case of the NPAC, the two government members are responsible for overseeing or managing the parks under the National Parks Act and therefore for many of the matters on which the council may provide advice to the minister. In the case of the two boards, the member is either the head of the department which has responsibility for the oversight of the boards or is likely to be associated with that department or government.

These arrangements are not considered best practice governance. In the interests of good governance, the bill will remove the potential for conflicts of interest by removing government representatives from the memberships of the council and the two boards. This will not change the membership criteria for the appointment of other members and will not impact on the ability of government representatives to attend meetings to provide information or to discuss issues.

Modernising appointment processes

The bill will clarify longstanding arrangements under the Public Administration Act by shifting the statutory responsibility for the appointment of the director, Royal Botanic Gardens from the Governor in Council to the Royal Botanic Gardens board, and for the appointment of the chief executive officer of the zoos board from the minister to the board.

This will place the statutory accountability for the appointment, remuneration and performance of the chief executives with the relevant board, which is the body best placed to discharge those responsibilities. It will also align the arrangements with the other boards in the Energy, Environment and Climate Change portfolio where there is a statutory appointment of a chief executive.

Other improvements and amendments

Providing a right of access

The bill will amend the National Parks Act to include Nooramunga Marine and Coastal Park in the list of parks for which the minister can grant a reasonable right of access to a person whose land adjoins or is surrounded by the park. The amendment will enable access arrangements that have been in place for many years in relation to an area of freehold surrounded by the park to be formalised.

Enabling plant sales

The bill will amend the Royal Botanic Gardens Act to remove the prohibition on the Royal Botanic Gardens board carrying out a business of selling plants to visitors to the gardens at South Yarra and Cranbourne.

Other amendments

The bill will repeal several spent or redundant provisions and make other, minor amendments or corrections.

Conclusion

The bill will significantly enhance Victoria's world-class parks system, particularly through the permanent protection of the Anglesea Heath in the Great Otway National Park. It will also recognise the important connection of traditional owners to country through the amendments to the names of two parks, and will deliver improvements and efficiencies to several areas of administration, governance and land management.

I commend the bill to the house.

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

Debate adjourned until Thursday, 14 September.

RACING AMENDMENT (MODERNISATION) BILL 2017

Introduction and first reading

Received from Assembly.

Read first time on motion of Ms PULFORD (Minister for Agriculture); by leave, ordered to be read second time forthwith.

Statement of compatibility

Ms PULFORD (Minister for Agriculture) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Racing Amendment (Modernisation) Bill 2017.

In my opinion, the Racing Amendment (Modernisation) Bill 2017, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Racing Act 1958 (Racing Act) to clarify that Racing Victoria will not become a public entity for the purposes of the Public Administration Act 2004 (PA act) or the Financial Management Act 1994 (Financial Management Act) as a result of changes to the constitution adopted by shareholders at the special general meeting held on 18 April 2017.

The bill will also amend the Racing Act to specify that the minister may perform any functions, exercise any powers and carry out any duties conferred on the minister by the constitution in relation to the selection, appointment, resignation and removal of directors of Racing Victoria.

Human rights issues

The amendments to the Racing Victoria constitution adopted by shareholders at the special general meeting provide the Minister for Racing with the power to appoint the directors of Racing Victoria following consideration of a report prepared by an advisory panel.

The advisory panel will be constituted of the Secretary to the Department of Justice and Regulation (or his or her nominee); a nominee of the minister; a nominee appointed jointly by Victoria Racing Club, Melbourne Racing Club and the Moonee Valley Racing Club; a nominee appointed by Country Racing Victoria; and a nominee appointed jointly by the industry body members.

The Racing Victoria constitution will also give the minister the power to remove a director from office by notice in writing to the chair, if the minister considers that the director has brought the Victorian thoroughbred racing industry into disrepute. The removal of the director will be effective from the date set out in the minister's notice.

The bill confirms that the minister has the power to perform any functions, exercise any powers and carry out any duties conferred on the minister by the constitution in relation to the selection, appointment, resignation and removal of directors of Racing Victoria.

This may engage section 18 of the charter (the right to participate in public life) if current directors are not reappointed. However, the right will not be limited as directors will be able to seek reappointment.

The Hon. Gayle Tierney
Minister for Corrections

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Ms PULFORD (Minister for Agriculture).

Ms PULFORD (Minister for Agriculture) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The bill seeks to amend the Racing Act 1958 (Racing Act) to support changes to the constitution of Racing Victoria that will ensure that the board is independent and that conflicts of management are minimised and appropriately managed.

The thoroughbred racing industry generates nearly $2.1 billion in value annually to the Victorian economy and sustains more than 19 600 full-time equivalent jobs.

Almost 72 000 people are engaged in the industry as an employee, volunteer or participant with around two-thirds of those residing in regional Victoria.

Racing Victoria is a public company limited by guarantee established under the Corporations Act 2001. Directors of Racing Victoria have previously been appointed the Victoria Racing Club, Melbourne Racing Club, Moonee Valley Racing Club, Country Racing Victoria and industry body members including the jockey and trainers associations.

In short, the directors of Racing Victoria were appointed by the people and organisations that they regulate.

In late 2016, the government made a commitment to amend the Racing Act to ensure that directors are independent and conflicts of interest are minimised and appropriately managed and that Racing Victoria would not become a statutory body.

I am pleased to advise the house that Racing Victoria shareholders resolved at a special general meeting held on 18 April 2017 to adopt amendments to the company's constitution to amend the appointment process.

The new arrangements provide the minister with the power to appoint the chair, deputy chair and directors of Racing Victoria. The minister will also have the power to remove a director if the minister considers that the director has brought the Victorian thoroughbred racing industry into disrepute.

On 2 May 2017, a copy of the notification of the special resolution was laid before the house for consideration.

The Racing Amendment (Modernisation) Bill 2017 makes necessary reforms to support the changes to the constitution.

Firstly, the bill amends the Racing Act to make it clear that Racing Victoria is not a public entity for the purposes of the Public Administration Act 2004 (PA act) or the Financial Management Act 1994 (FMA).

The PA act defines a public entity as a public body (incorporated or unincorporated) that is established by or under an act (including the Corporations Act), by the Governor in Council or by a minister. In the case of a body corporate, the government must have the right to appoint at least one-half of the directors.

Racing Victoria operates within the strict regime of the Corporations Act which sets out the requirements around powers and functions, director duties, financial reporting and auditing, disqualification criteria for directors and reporting obligations to the Australian Securities and Investment Commission (ASIC).

The bill clarifies that Racing Victoria is not a public entity for the purposes of the PA act or the FMA and that it will continue to operate under the Corporations Act.

The bill will also amend the Racing Act to specify that the minister may perform any functions, exercise any powers and carry out any duties conferred on the minister by the constitution in relation to the selection, appointment, resignation and removal of directors of Racing Victoria.

This amendment will make it clear that the minister has the power to determine the composition of the board.

The bill also repeals schedule 1 of the act. Schedule 1 sets out the requirements for the establishing constitution of Racing Victoria and is a spent provision. The bill makes consequential amendments to deal with references to the repealed schedule.

I commend the bill to the house.

Debate adjourned on motion of Mr ONDARCHIE (Northern Metropolitan).

Debate adjourned until Thursday, 14 September.

ELECTORATE OFFICE AUDIT

The PRESIDENT — I advise the house that Mr Eideh, the Deputy President, has asked me to ensure that there is a full audit conducted of his electorate office. He has volunteered to have that audit; it was not something that, at this stage, I had insisted upon or sought. Mr Eideh himself has requested that audit, and it will occur.

PETITIONS

Following petitions presented to house:

Voluntary assisted dying

To the Legislative Council of Victoria:

That the undersigned call on the Victorian Legislative Council to strongly oppose the introduction of euthanasia or physician-assisted dying in the state of Victoria by the state Labor government supported by the Greens and the Sex Party.

The case for euthanasia is based on fake facts: euthanasia and physician-assisted dying is not just an expression of personal autonomy, pain can be managed with proper medical care and palliation and there can never be safeguards against medical misdiagnosis, medical mishaps, accidents or malice.

The undersigned call on the Premier, Daniel Andrews, and the state government to not proceed with the introduction of physician-assisted dying/euthanasia until there has been a state or national plebiscite on this critical human issue.

By Mrs PEULICH (South Eastern Metropolitan) (322 signatures).

Laid on table.

Ordered to be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

Crime prevention

To the Legislative Council of Victoria:

The petition of residents in Victoria calls on the Legislative Council to note that:

The surging rate of crime is a problem, and needs a solution. Serious offences such as home invasions, burglary and aggravated burglaries, drug use and possession, and car theft are impacting on innocent lives in the Geelong and Bellarine region. These offences impact our safety at home, at work and on our streets.

The petitioners therefore call on the members of the Legislative Council to urge the Andrews government to allocate more funding to increase the number of police in the Geelong and Bellarine region and implement legislation to enable tougher sentencing, and tougher parole and bail conditions.

By Mr RAMSAY (Western Victoria) (149 signatures).

Laid on table.

Ordered to be considered next day on motion of Mr RAMSAY (Western Victoria).

Sitting suspended 9.58 a.m. until 10.03 a.m.

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017

Ms FITZHERBERT (Southern Metropolitan) presented report, including appendices, extracts from proceedings and minority reports, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Ms FITZHERBERT (Southern Metropolitan) — I move:

That the Council take note of the report.

I am very pleased to present this report from the committee, and I thank all my colleagues on the committee for working together to deliver it. Most importantly I wish to record my thanks and that of the committee to the secretariat staff, who ably and helpfully supported us in conducting the inquiry and in producing the report. I wish to pay tribute to Patrick O'Brien, Kieran Crowe, Pete Johnston and Prue Purdey. Thank you very much from all of us.

This parliamentary inquiry has arguably become the most obvious activity at state government level in response to a situation that is clearly intolerable for many who live and work in North Richmond. The committee undertook a literature review, invited submissions and conducted a day of public hearings. We visited Australia's only supervised injecting centre in Kings Cross and met with its staff and local police. We also visited North Richmond, where we had roundtable discussions with staff and other stakeholders at the North Richmond Community Health Centre and another roundtable discussion with the Victoria Street Business Association and representatives of the Vietnamese community. We also walked through the streets and laneways in the area to see conditions for ourselves and speak to residents along the way. All this

confirmed that the open trade and use of illicit drugs in North Richmond is creating a dangerous, unpleasant and intolerable situation for many residents, local traders and healthcare providers. There is also a heavy burden on emergency services.

The staff of the North Richmond Community Health Centre and local residents are at the front line of what is clearly a crisis: cleaning up the detritus of rampant drug use, helping people who are heavily affected by drugs, and most disturbing of all, responding to overdoses and deaths in local streets. One resident who we met told us he was originally from England and had lived in a number of countries around the world before settling in Australia with his wife and young children. He told us that he had never seen conditions like this anywhere before, and he simply could not understand how it had been allowed to become so bad. This resident was aghast that last summer people sat on abandoned couches in his street and shot up and that no one did anything about this. He was beside himself with worry and angry that his young son had been pricked by a discarded needle.

This report incorporates the words of people who are dealing with these issues on a daily basis. It is important that their words are heard, and the problems they are confronting need to be addressed. The report makes a series of findings about the bill and also compares it to the equivalent legislation in New South Wales, which is the Drug Summit Legislative Response Act 1999. While the bill largely replicates the act, we noted several differences. In particular, the NSW act has a requirement for supervised injecting centres to have a sufficient level of community and local government acceptance. The bill does not include requirements of this kind.

We also found that there is a shortage of doctors and chemists dispensing methadone in North Richmond and a shortage of drug rehabilitation beds across Victoria. In 2016 we had the second lowest number of drug rehabilitation beds in Australia, and we understand that there are currently 240 drug rehabilitation beds in Victoria. There are plans for more to come online in the coming years. Many of these will be allocated to places very distant from Richmond or the city.

The cost of over-the-counter naloxone was described to the committee as prohibitive for many who may need it locally. The committee believes that the views of the community, all stakeholders and local government must be considered when deciding matters relating to a supervised injecting centre. We did not have the task of confirming the level of local support and had practical restrictions on our capacity to do so definitively. This was one of the most contentious issues that we dealt with. I know this will be well covered by other speakers, so I will leave it to them to explain their views.

It is indisputable, however, that North Richmond is the epicentre of heroin overdose deaths in the City of Yarra, the local government area with the highest frequency of heroin overdose deaths in Victoria for the past seven years as well as that with the highest frequency of heroin-related ambulance attendances. Some note that the drug market in Melbourne has moved around over time but fear that if an injecting room trial happens in North Richmond, the area will be stuck with it. I believe, and there was evidence of this given to the inquiry, that there is a marked difference between Kings Cross and North Richmond. Kings Cross has been a red-light district for decades; North Richmond is not that.

From my own perspective the inquiry provided answers to many questions, but some remain unanswered. In Richmond we saw a number of people heavily affected by drugs and the most open illegal drug dealing that I have seen anywhere in the world. Despite this, we did not see any uniformed police on the streets, nor did we meet with them formally during our visit. Again, from a personal perspective, I am struck by the difference between this and the consultative process that led up to the New South Wales trial, which involved a royal commission and then a community consultation process that drew together stakeholders, some of whom had quite different views on this subject to start off with. I may be wrong, but it does not appear to me that there has been the same kind of process to build community consensus in favour of an injecting room. This could have been led by the local member or by the council, but it does not appear to have happened.

The other thing that is unanswered is the role of the state government. The Victorian government announced funding of just over $1 million, including some funds to trial an overdose response service in the City of Yarra. This was announced in February, but it is not clear how much of this has actually been spent and how much of it impacts on North Richmond. We asked the question but do not have an answer.

More profoundly, it is not clear to me that the Andrews government has spent much time, if at all, working directly with the community in North Richmond to address the drug problem and its impact on the local community. There is a clear role for state government to play in the response, particularly through the portfolios of health, police, housing and mental health, but that is not happening. In my view it is long overdue

that the ministers who hold those portfolios work together to provide some immediate support, and they are not required to have any reference to a committee to do that. I commend the report to the house.

Ms PATTEN (Northern Metropolitan) — I too would like to speak to this report, and I would very much like to thank the secretariat staff and my committee colleagues for the work that they undertook on this report. We received some very emotional submissions. The evidence was overwhelming and compelling: a trial of a medically supervised injecting centre can significantly address the escalating issues facing North Richmond. Residents are having to resuscitate people in the street, traders are dealing with an open drug market on their doorstep and emergency services are called out to hundreds of overdoses.

The people who are dying leave grieving families and children without parents. The death toll is increasing, and we have an opportunity to address it. A supervised injecting centre is not a silver bullet, but it will save lives, it will reduce open drug use on the streets, it will reduce the number of discarded needles on the streets, it will improve the amenity of the area and it will provide a pathway to recovery for some of the most isolated members of our community, many of whom suffer significant mental and other health issues. It will not increase drug use, and it will not reduce police efforts to arrest drug traffickers. It will free up their time to do this.

I think it would be somewhat arrogant of this Parliament to ignore the experts that we heard from and ignore not one but three coronial inquests. For me, I cannot ignore the residents who are traumatised by regular ambulance sirens and people dying in their streets in front of their children. I cannot ignore the medical experts, and especially I cannot ignore the parents, sisters and children who have lost their loved ones. I hope this report helps the Parliament find the merit in and the urgency for a trial of a medically supervised injecting centre. We can continue talking about this, but as the mural in North Richmond says, 'You talk we die'.

Mrs PEULICH (South Eastern Metropolitan) — I think I am the only author of a minority report —

Ms Springle interjected.

Mrs PEULICH — There are more; my apologies. I am one of the two authors. I certainly welcome Ms Fitzherbert's comments. I thought they were quite comprehensive and highlighted some of the deficiencies in the response to what is certainly perceived by the locals as a crisis. In particular I draw attention to the fact that we have a quarter of the rehab beds of New South Wales, that many of those who come into the City of Yarra to inject — 85 per cent in fact — are not locals, that there is a shortage of doctors who are prescribing methadone, that there is a shortage of pharmacies that are dispensing methadone, that there is an absence of a police presence and that there is a staunch and unwavering opposition to the use of closed-circuit TV in order to apprehend those who are peddling the drugs of death.

I am not unsympathetic to anyone facing an addiction, no matter what it is. There is clearly a drug crisis. I am equally moved by concerns about the use of ice in the community. But I am not convinced, nor is there uncontested evidence, that a drug injecting facility is the policy response we need. I do not believe that it is consistent with the *National Drug Strategy*. I do not believe that the terms of reference allowed the committee to fully consider all of the ramifications. I do have a problem with the fact that the proponent of the legislation serves on two related committees and is able, unlike most other members, to drive and shape a report such as that which has been tabled today. I think that needs to be considered by this house to ensure that there is an opportunity for the upper house as a house of review to more impartially consider legislation that is introduced into the house without the driver and the proponent of the legislation being a part of that process.

Ms SYMES (Northern Victoria) — I rise to make some brief remarks on the inquiry into the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017. It was a fascinating inquiry for a country member whose electorate covers half the state. There is this tiny little triangle in the middle of Melbourne that you can walk around in an hour. Although it is under most people's noses, I am not sure that a lot of Melburnians and certainly country Victorians are aware of the crises in that particular region.

I know that a lot of reports are tabled in this place, but I would really urge members to have a look at this report because it is actually one of those issues that should not be ignored. The chair of the committee mentioned that the voices come through in our report. I think it is really important that people take note of this.

On the committee's trip to Sydney we visited a safe injecting room facility. It was the most unremarkable facility that I reckon I have visited. You could not even tell that people in there were receiving help for their addictions; it was incredible. It was a health facility which anyone can walk into and seek help. I think that

is a great facility in Sydney. I urge members to read the report. There is more work to be done. I give particular thanks to the secretariat, and Patrick and Kieran in particular. I commend the report to the house.

Ms SPRINGLE (South Eastern Metropolitan) — I too would like to offer my thanks to the secretariat on this report. As usual, they have provided us with outstanding support and guidance through this process. I too did write a minority report, probably quite different to Mrs Peulich's, as I found it quite disappointing that we were not able to agree on recommendations in terms of this issue.

This is not a new issue. We have been battling with this issue for decades now. In my view it is a proposed solution that is not the only part of the solution. It is a piece of a puzzle that should be wideranging, and I have explored that slightly in my minority report. There are several things in addition that need to happen to address the drug problem, particularly in Richmond. A supervised injecting facility is but one small part of that puzzle.

I did not go on the tour with the committee; I went on my own tour, only because I was unwell on the day that it was scheduled. What I saw was a little bit different to what the committee saw. I did see police on the street patrolling the area and engaging with people from the community during that time. I also saw a lot of the discarded syringes down alleyways and in the public toilets, and I spoke with some of the traders. I do not think there is any doubt that there is an enormous problem there, far more so than in any other area that I am aware of.

The evidence globally is unanimous in terms of these facilities — that they do work. It is a pathway to recovery for many people. It is not the only solution; it is one stage of a pathway to recovery. It keeps people alive. That is the bottom line, and I think that is what we should be focusing on at this point.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Land Tax Act 2005 — Treasurer's report on land tax absentee owner surcharge exemptions for the period 1 June 2016 to 30 June 2017.

Ombudsman — Enquiry into the provision of alcohol and drug rehabilitation services following contact with the criminal justice system, September 2017 *(Ordered to be published).*

FIRE SERVICES BILL SELECT COMMITTEE

Final report

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade), pursuant to standing order 23.30, presented government response.

Laid on table.

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Retirement housing sector

Ms MIKAKOS (Minister for Families and Children), pursuant to standing order 23.30, presented government response.

Laid on table.

NOTICES OF MOTION

Notice of motion given.

Mr YOUNG having given notice of motion:

The PRESIDENT — This is quite an extensive motion because it is a procedural matter, and it is imperative that as part of Mr Young's motion he actually defines the division of the bill. His motion is being circulated to the house, and I would propose that the house accept Mr Young's motion as read, given that if he has to read all the technical bits we will be here until about 3 o'clock this afternoon just on this.

ELECTORAL MATTERS COMMITTEE

Membership

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

That Ms Bath be appointed to the Electoral Matters Committee.

Motion agreed to.

MINISTERS STATEMENTS

Aboriginal children and young people

Ms MIKAKOS (Minister for Families and Children) — I rise to update the house on how the Andrews Labor government is addressing the over-representation of Aboriginal children in the out-of-home care system. Last week I had the pleasure

of co-chairing the eighth Aboriginal Children's Forum with Mr David Morgan, the CEO of the Ramahyuck District Aboriginal Corporation in Traralgon.

I began these quarterly forums in 2015 to focus on the issue of the over-representation of Aboriginal children in out-of-home care, and together we have made significant progress. Aboriginal community controlled organisations attend with community service organisations and departmental representatives from each division to discuss the progress that we are making and to devise more effective strategies. As part of the Beyond Good Intentions agreement with all parties there has been a strong commitment to transitioning the case management of Aboriginal children in out-of-home care to Aboriginal organisations.

This is part of the Andrews Labor government's commitment to Aboriginal self-determination. I was proud to match these words with action at the forum, and I announced $1.1 million in funding for the transition of 120 Aboriginal children in kinship care to Aboriginal organisations. Community service organisations also reaffirmed their commitment to transition these children who are currently very much under the management of either the department or community sector organisations. By managing these cases, the Aboriginal organisations will be responsible for implementing the child's case plan and working with children and families to achieve the agreed tasks and goals to address protective concerns.

This is the first part of the government's commitment to transition 30 per cent of all Aboriginal children in kinship care to Aboriginal organisations by the end of this year. We know that Koori kids do better when they are supported within their culture, and this is why the Andrews Labor government is ensuring that Koori kids have the best start in life.

MEMBERS STATEMENTS

Australian Labor Party

Mr ONDARCHIE (Northern Metropolitan) — The rorting party, the guilty party, just rolls on. The Labor Party has received over $3 million in donations from the CFMEU since 1998, and its state secretary, John Setka, has been charged with 60 offences, 40 of which he has been found guilty of, yet Premier Daniel Andrews will never distance himself from John Setka. Even Setka's good mate Mick Gatto said:

> John's a good man, he's a good union leader. He has got the interests of the people at heart and he is doing the right thing and I think Daniel Andrews is doing the right thing supporting him.

Then there were the Labor red shirts rorts, where they used taxpayers money to employ campaigners to go out and campaign for them during the last state election. There were the second home allowance rorts, where members of the Labor Party claimed they were living way, way outside their electorate, with Don Nardella being investigated by police for rorting over $100 000 for his second residence allowance. Peter Marshall has an unlimited pass into the Premier's office, and it is no wonder we are still trying to solve the CFA issue because they will not give up until Peter Marshall gets his way.

We have a minister who thinks it is okay to chauffeur dogs in his limousine, and of course Daniel Andrews has never come clean on the whole dictaphone scandal. There has been bullying of Liberal MP Andrew Katos about his weight, slurs about Donna Bauer and her condition and $10 million given to the Trades Hall Council, and now there is printergate. The guilty party: once a guilty party, still a guilty party.

John McNally

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — It has been a sad time for the Labor Party over the last couple of weeks, and I rise to acknowledge John Anthony McNally, who passed away on 15 August aged 62 years. John was known by many as one of the Victorian Labor Party's most tireless servants. He stood for the seat of Hawthorn in three consecutive elections, and as all party-political activists know there is little greater service one can give their party than standing in an extremely safe seat against those we oppose. The fact that he did it three times was a testament to his unwavering commitment to the Labor Party, and I should add that he achieved a pretty impressive 8 per cent two-party swing on his third crack. He was also president of the Canterbury branch of the Labor Party.

His community service was far from restricted to just elections. He was a dedicated former president of the Camberwell United Tennis Club, and he provided support and advocacy to victims of church-related sexual abuse through the Broken Rites advocacy group. He worked in vocational education and as a candidate was a big advocate for increased investments in TAFE.

My sympathies go to John's friends and family, but particularly my thoughts are with John's wife, Trish; his sons, Lochie and Damien, and their partners; and his granddaughter, Eva. May they look back on his life with fond memories, as I am sure so many in the community and the Labor Party will as well.

Racial and Religious Tolerance Act 2001

Mr BARBER (Northern Metropolitan) — I want to draw to the attention of the house the fact that earlier this week we had a conviction under the Racial and Religious Tolerance Act 2001. Such convictions, or even such cases, have been relatively rare since the act was first brought in. I want to say no more about that because I gather that that will be appealed, but I want to talk more broadly about the act and why it is important. The provision in section 8(1) says:

> A person must not, on the ground of the religious belief or activity of another person or class of persons, engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.

In fact that provision, section 8, is analogous if not identical to section 18C in the federal Racial Discrimination Act 1975, which the federal Liberal Party made various attempts to get rid of. I think this is an important piece of legislation. It is kind of surprising in a way that there have only ever been three attempts to enforce this section of the act, because such vilification is unfortunately very common these days. In the current political climate I think this is an act that should be used more often for its demonstrative effect and to demonstrate what are our Australian values.

Jewish National Fund

Ms FITZHERBERT (Southern Metropolitan) — Last Sunday night I was very pleased to join a number of my state parliamentary colleagues at the Jewish National Fund dinner. It is, I think, the third time I have attended the dinner. There were 1000 people present. It is a credit to former member for Caulfield Helen Shardey that such a crowd is drawn.

We heard from Tamir Pardo, who is the immediate past director of Mossad, and also Dan Shapiro, the immediate past US ambassador to Israel. It was a terrific night. I was joined by Ms Crozier and Mr Davis, along with Mr Southwick and Mr Tim Smith from the other place and also Senator Mitch Fifield, but we were very surprised that there were no ALP state members at this event — very surprised indeed. It does make me wonder what could have been a more important priority than attending this important community event, and I am struck by the term 'printergate', which Mr Ondarchie has just coined. I wonder whether it was these sorts of pressing issues — no pun intended — that Labor members were more interested in.

The allegations that have been raised this week are extremely serious, and as the President has said, if true they would likely constitute criminal activity. Unfortunately it seems to be a bit of a pattern. We have seen a string of allegations, usually from within Labor, of MPs and their staff not being about serving the people but actually being about serving themselves — using cars to ferry around their pets and using electoral officers out in campaign roles rather than actually doing the work in electorate offices that they are paid to do.

Mr Elasmar — Time!

Ms FITZHERBERT — I remind those on the other side that it is not about serving yourselves, it is about serving the people. Maybe you should start.

The ACTING PRESIDENT (**Mr Ramsay**) — Thank you, Ms Fitzherbert, and thank you, Mr Elasmar, for your assistance, but I also can see the clock and am allowing a little bit of latitude this morning. I now call Mr Melhem.

Melbourne West Jobs Fair

Mr MELHEM (Western Metropolitan) — Last Thursday I had the pleasure in opening the 2017 Melbourne West Jobs Fair, held at the Sunshine Convention Centre at the Victoria University Sunshine campus. It was an initiative of the state government in conjunction with the federal government and Toyota as part of the automotive workers transition plan. As we all know, Toyota is due to shut its doors in October this year, and Holden as well.

There were a number of workshop topics, including improving job search and interview techniques and improving cover letters for résumés. A number of job providers were present, like the Level Crossing Removal Authority, Victoria Police, Apprenticeship Support Victoria, Careers in Local Government, and many other companies who were there offering jobs. Eighteen hundred jobs were advertised at that event, 60-plus employers were there advertising, 3058 people actually came through the doors, 2570 résumés were collected and there were 1384 visits to the booths.

I just want to take the opportunity to thank all the participants, and I want to thank all of the staff of both the state and federal governments who actually put the event together to assist these workers in transitioning from the automotive industry to new jobs. I wish them well and thank Minister Noonan for his great work in that field as well.

Australian Labor Party

Mr DAVIS (Southern Metropolitan) — Today I want to comment on the rorting Labor Party. It has become clear that Labor is involved in systemic rorting of electoral resources and doing this for its own internal political purposes. It is disgraceful, it ought not be allowed to continue and I note the mealy-mouthed approach of many Labor MPs to this. There has not been a preparedness to stand up and actually put on the public record an absolute determination to root out this rorting that is occurring.

This follows the red shirt brigade activities at the end of the last Parliament involving rorting by Labor of electorate resources, again to pay directly campaign workers. This is a scandal of major proportions. I cannot believe that a Premier can remain in position having presided over all of these scandals, whether as Premier or as Leader of the Opposition. He has allowed this party to run riot. He has allowed a number of these characters to do what they will. They think that they own public money and they can use it for their own purposes. We have seen Mr Languiller in his former role as Speaker in the lower house rort entitlements. I have got to say — and the community agrees — enough is enough. This rorting Labor has to go.

Hon. Fiona Richardson, MP

Mr ELASMAR (Northern Metropolitan) — It is with a sad heart that I dedicate my members statement today to saying a few heartfelt words about my friend and colleague Fiona Richardson, who was an extraordinary cabinet minister and parliamentarian in the other house. Fiona was a minister who accomplished much in her short time in cabinet. I watched her drive, ambition and determination in relation to the Royal Commission into Family Violence, and I knew that if anyone was a force for change, it was Fiona. I met her several years ago. She was an extremely sharp minded young lady with a clear perception of where she thought she could do the most good for the community, and I am glad to say I encouraged her in her endeavours.

Fiona was too young to pass away, and there is no doubt she made a great impact in her short time in office. I am certain that we in the Labor family and in the government will continue her battle to purge family violence from the Victorian community. We came to Parliament together in 2006, and sadly she left us too early. My sincere condolences and commiserations go to Stephen, Fiona's husband, her two young children, Catherine and Marcus, and all her loved ones. May her soul rest in peace.

Field & Game Australia

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I congratulate Field & Game Australia on hosting another successful politicians clay target shoot last week. The event, at Willowmavin in central Victoria, was a great opportunity to introduce members of Parliament to recreational shooting, culminating in a lighthearted competition between 19 teams aligned to the different political parties who participated on the day. In all, around 100 MPs and staff took advantage of the event to get a better understanding of recreational shooting and hunting. Following the competition, participants enjoyed a light lunch which showcased dishes based on various game meats. A gundog demonstration in the afternoon highlighted the wider skill sets used in hunting beyond basic shooting ability.

Field & Game Australia has been referred to as 'Australia's most surprising conservationists', recognising the role its members have played in preserving and restoring natural habitat for recreational use, and the skill, commitment and respect its members bring to sustainable game hunting. It is important that Victorian parliamentarians have an understanding of shooting and hunting issues, and Field & Game Australia are to be commended for providing an opportunity for better engagement and understanding.

John Henry Primary School

Mr MULINO (Eastern Victoria) — It was fantastic to have the Premier attend John Henry Primary School last week. This school was opened just this year, and it is already providing the highest of primary school education services to a burgeoning incoming class. The school provides high-quality science, technology, engineering and mathematics (STEM) and performing arts facilities and also the maths power rangers, in which teachers dress up as power rangers in different colours reflecting different attainment levels. It is one of the best ways to engage students in STEM subjects that I, and I suspect the Premier, have ever seen.

Deep Creek Reserve, Pakenham

Mr MULINO — Can I also acknowledge a major landmark in the Deep Creek Reserve development, a major project being undertaken by Cardinia Shire Council, having received funding support from the Growing Suburbs Fund. This is a 48-hectare council greenfields site which has been redeveloped in conjunction with Pakenham and District Golf Club. It includes funding of $2.825 million from the state government and over $7 million from council. When

finished it will include an all-abilities playground — indeed the largest in the region — an indigenous plant nursery, wetlands preservation and significant education facilities, including a 200-seat function facility. This will be one of the best educational and environmental preservation facilities in the region. I commend this project to the house.

Lift Off scholarships

Ms LOVELL (Northern Victoria) — Last Tuesday night it was my great pleasure to attend the Lift Off education scholarships celebration dinner held at Covers Restaurant in Shepparton. The Lift Off scholarships are an initiative of the Community Fund Goulburn Valley in collaboration with the Greater Shepparton Lighthouse Project and are awarded to young students primarily aged 17 to 24 who are facing financial and other barriers to receiving a post-secondary education. Forty scholarships have been awarded since Lift Off was established in 2014, including 27 scholarships totalling $80 000 this year.

I congratulate all of the worthy recipients who have been given the financial security to continue their post-secondary education, and I wish to pay tribute to the community fund and the Greater Shepparton Lighthouse Project on their continued support for the education of the young people of the Goulburn Valley.

Tatura Primary School

Ms LOVELL — Last Thursday I was lucky enough to be principal for a day at the wonderful Tatura Primary School. Tatura Primary School has an enrolment of 215 students under the leadership of principal Susanne Gill, and I was proud to step into her shoes for the day. My first official duty was to farewell the grades 3 and 4 students who were off to camp, and then it was time to do yard duty before the school day commenced. It was great to meet the new Koori educational support officer Travis Morgan, who is working hard to engage and support the school's Indigenous students and their families. Another highlight was meeting school leader Ben Andonoudis and other students to discuss their thoughts on the school and hopes for the future.

I congratulate Susanne on the wonderful job she is doing at Tatura Primary School, and I thank the staff and students for allowing me to be principal for a day.

Eid-ul-Adha

Mrs PEULICH (South Eastern Metropolitan) — I would like to extend my best wishes to our Muslim communities who recently took part in the celebration of Eid-ul-Adha between 31 August and 4 September and to thank all members of the coalition who also took part in celebrations with their Islamic communities. In my capacity as shadow Minister for Multicultural Affairs it is always a great pleasure to share in these important celebrations and functions. As communities in Victoria and across Australia came together for this important occasion we certainly heard of the prayers for peace for those on the pilgrimage as well as the desire of those of all beliefs to be heard and answered. Eid Mubarak to our Islamic communities.

Jewish New Year

Mrs PEULICH — Jewish New Year is a day of celebration of the new year, and this year it begins on 20 September and ends on 22 September. I extend my best wishes for a happy Jewish New Year to our Jewish Victorian communities and say how much of a pleasure it was to hear the sounding of the ram's horn, or shofar, in the Liberal Party room yesterday and to also share in a festive meal. I wish all of those families celebrating Jewish New Year a festive time and a reflection on the past year, and I wish them a very positive year ahead.

National Child Protection Week

Ms CROZIER (Southern Metropolitan) — This week is National Child Protection Week and a great reminder for everyone in the community to think about the safety and security of some of our most vulnerable Victorians. The week also includes the support of child protection workers in the most difficult of circumstances; however, genuine support from the Andrews Labor government is absent. The churn of workers through the system is just too large. The lack of support by the Andrews Labor government for the child protection system is disappointing for the Victorian community but most importantly disappointing for those affected and in need.

Tragically there were 49 deaths of children in child protection in 2016–17 — the highest number ever recorded in Victoria. And when you look at the stats you can see the deterioration of the child protection system in Victoria since the election of the Andrews government: an 80.71 per cent increase in assaults of children in protection, a 142.23 per cent increase in behaviour issues within child protection and a 73.93 per cent increase in total category 1 child protection incidents.

Unfortunately we saw child protection in crisis under the Brumby Labor government under now police minister Lisa Neville. The system was restored by my colleague Ms Wooldridge, but unfortunately we have another developing crisis under Ms Mikakos, the Minister for Families and Children. As Leesa Waters, deputy CEO of the National Association for the Prevention of Child Abuse and Neglect, stated:

> Don't wait until a child has been abused or neglected before you do something. We need to work together as a community to stop this from happening in the first place.

BUSINESS OF THE HOUSE

Postponement

Mr LEANE (Eastern Metropolitan) — I move:

That notice of motion 407 be postponed until later this day.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — On Mr Leane's motion to postpone this matter until later this day, we note that this motion is around the government's proposal to establish a parliamentary integrity adviser, and this is something that was put on the notice paper by the Leader of the Government some months ago as a foil for a motion from Mr Barber with respect to integrity. As time goes on we increasingly see the need for a measure such as this, because just this week we have seen the latest demonstration of the complete lack of integrity that is inherent in the Andrews government.

Mr Leane — On a point of order, Acting President, I basically put up a procedural motion that this matter be postponed until later this day, so I am not too sure why Mr Rich-Phillips has suddenly begun to debate the motion. If he wants to vote against that particular motion, he should feel free to do so.

The ACTING PRESIDENT (**Mr Ramsay**) — Mr Leane, in relation to your point of order I have been advised that your motion is not a procedural motion and that Mr Rich-Phillips does have the ability to debate it, so I now call on Mr Rich-Phillips to continue.

Mr RICH-PHILLIPS — On the motion that this matter be postponed until later this day we note that the government has sought to continue to push this matter off the agenda. This side of the house is concerned at the continued lack of integrity which has been demonstrated by the Andrews Labor government over the last two and a half years. We have motions like this brought here by the Leader of the Government seeking to put in place an integrity framework, a body which the Leader of the Government proposed would be a parliamentary integrity adviser, yet the government consistently has not brought this on.

We have seen over two and half years example after example of rorts and lack of integrity from this government, going to the highest levels. Shortly after this government came to office we saw the Labor staffing rorts. We saw whistleblowers within the Labor Party disclosing that at the end of the last Parliament, potentially into this Parliament, we had Labor Party MPs misusing their electorate office entitlements, misusing their staffing entitlements to divert parliamentary resources — public resources — to the issue of Labor Party campaigning. We see this as a clear demonstration of the lack of integrity around the conduct of Labor MPs.

Following that we saw the issue with the then Minister for Corrections, Mr Herbert, of the misuse of his ministerial vehicle for the chauffeuring of his dogs. More recently we have seen this go on to the issue of the second residence allowance, where the most senior officers of the Parliament — members of the government in the other place — the then Speaker and the Deputy Speaker, being caught out for the misuse of their entitlement to second residence allowances, purporting to live in places outside their electorates, purporting to live in places which apparently they did not live in, simply to claim a substantial second residence allowance.

Now, this week we have seen the further issue of integrity raised with respect to this government, with allegations that again Labor members of Parliament have misused their electorate office entitlements to funnel money through a dodgy printing company in order for those funds to then come back to the Labor Party to support membership applications and membership numbers within the Labor Party. So we now have a narrative over two and half years of a lack of integrity from this government, be it staffing rorts, be it printing rorts, be it dogs being chauffeured around or be it senior parliamentary officers rorting electorate entitlements. We have a motion from this government to set up an integrity adviser, which hopefully would provide a framework for some advice on integrity, which this government clearly needs but is not getting. We are concerned about the government's intention to adjourn this motion off. It is clear this government needs advice on integrity, and it should get it quickly.

Mr BARBER (Northern Metropolitan) — The Greens will be supporting Mr Leane's motion to move this off without further ado. I just want to take the opportunity to say that we are fully in support of the course of action that the President announced at the

beginning of this week. The conduct that was described in the *Herald Sun* prima facie would represent a criminal fraud. It is not really a question of privilege or any other matter, and so it is appropriate that he move ahead, collect the necessary forensic evidence and provide it to suitable external agencies.

In relation to the government's proposition that there should be a parliamentary integrity adviser, I think maybe the Labor Party wants to get itself an integrity adviser. That would be a pretty good move right about now, but they do not need support from the house in order to do that. I have previously spoken on issues related to this motion — that is, a parliamentary integrity adviser vis-a-vis a parliamentary integrity monitor — but I do not propose to take up much of the house's time today discussing this motion further.

Mr O'DONOHUE (Eastern Victoria) — I am keen to contribute to debate on the motion before the house, which is whether debate on notice of motion 407 standing in the name of Mr Jennings to establish a parliamentary integrity adviser should be adjourned until later this day. The motion outlines in quite some detail the function, reporting and appointment processes for the parliamentary integrity adviser. In debating this motion about whether debate on this matter should be adjourned, I will pick up a remark made by Mr Barber that perhaps the Labor Party needs its own internal integrity officer. Like other speakers on this motion, I congratulate the President on the swift action he has taken following the allegations that have been aired in the last 24 to 48 hours about the more than inappropriate behaviour of Labor Party members.

These are very serious allegations, which give context to the motion that Mr Jennings will move. This motion has been with the house for some time now, and I think the government needs to explain what its intentions are.

Mr Gepp — Later this day.

Mr O'DONOHUE — I pick up the interjection that the adjournment would be until later this day. This is a matter for consideration later this day, and I thank the member for providing clarity that it is the government's intention to debate this motion later this day.

But as Mr Rich-Phillips articulated in his contribution the allegations which have been revealed in the last 24 to 48 hours follow the red shirts issue, which the government has fought all the way to the High Court of Australia and back at taxpayer expense; the issues around former Minister Herbert and the use of his ministerial car to transport his dogs; the issues around the second residence allowance involving Mr Nardella and Mr Languiller, the members for Melton and Tarneit in the other place; and of course now the allegations before us.

This context does bring into focus the motion standing in Mr Jennings's name on the notice paper, therefore I wanted to put those issues on the record in debating this procedural motion about whether to adjourn that motion.

Mr LEANE (Eastern Metropolitan) — I thank all contributors to the debate on my motion. I very much appreciate it and agree that this is an important process. If we had the commitment of the opposition, we probably could proceed with it quickly, but we know that they are unfortunately not committed to this particular vehicle of integrity. I hear their concerns, that if there are any breakdowns in integrity in the parliamentary system or in the government, they need to be addressed and they need addressed properly. If people have a concern or if they have information about breakdowns or any integrity issues of the government, particularly if they are related to criminal activity, as they believe, they should take it to the appropriate authorities.

But I think there is some real short-term memory loss among the opposition if they want to grandstand over this issue, particularly after the recent highlighting of their insatiable appetite for mobster mornay. They cannot get enough of it. Their leader, Matthew Guy, has been sitting at the Lobster Cave and calling for more serves of mobster mornay. He wants more of it. He went to this event and said that he did not know who was going to be there. He thought there were going to be 25 people. Then he said, 'Oh, hang on, it was 12 — no, hang on, it was six. And then there was this guy, I don't even know what his name was'. All you have to do is watch the *7.30 Report* and read the papers. Of course he knew who was going to be there. Of course he knew what was going to be on the menu. What was going to be on the menu was seven courses of mobster mornay. As I said, the opposition — The Nationals and the Liberal Party — cannot get enough of the mobster mornay; 'Give us more mobster mornay!'.

Once again, I thank the contributors to the debate on my motion. I thank the Government Whip for asking me to fill in for her and to move the motion while she is very busy doing important things. That gave me the opportunity to be able to speak on this motion, so I thank her again.

Motion agreed to.

OWNER DRIVERS AND FORESTRY CONTRACTORS AMENDMENT BILL 2016

Second reading

Debate resumed from 7 February; motion of Ms MIKAKOS (Minister for Families and Children).

Mr ONDARCHIE (Northern Metropolitan) — I rise this morning to speak to the Owner Drivers and Forestry Contractors Amendment Bill 2016, and no, I did not misstate that. I said 2016 because this is a bill that passed the Legislative Assembly in December 2016. It is so important to the government that it took until today, 7 September 2017, to actually get here. This is a government that came to government saying, 'We are getting on with the job'. This is a prime example of not getting on with the job — something that was passed in December 2016 in the lower house has taken until September this year to get here. But this government has form in saying one thing and doing another.

Specifically on this bill, this bill provides for future changes in the bodies entitled to nominate members to the Transport Industry Council and the Forestry Industry Council and provides a mechanism to update the nominating bodies for the Forestry Industry Council that are named in the act. It also contains a few minor provisions to change references for nominating bodies to the Forestry Industry Council. The Department of Primary Industries is replaced with the Department of Economic Development, Jobs, Transport and Resources; the Australian Plantation Products and Paper Industry Council Ltd is replaced with the Australian Forest Products Association Limited; and the Victorian Harvesting and Cartage Council is replaced with the Australian Forest Contractors Association Limited.

The bill also provides that if a nominating body for the Transport Industry Council or the Forestry Industry Council ceases to exist, the minister may select an alternative body that in the minister's opinion is suitably representative of the former nominating body. The minister will decide. That is an area of concern for the opposition. When a body named in the act ceases to exist the minister seems to be able to change the alternative body whenever the minister wishes, therefore allowing the minister to dump and replace bodies that incur the government's displeasure — for example, anyone who stands up to the government on some contentious issue is likely to get the tally-ho and be replaced by the minister with someone who is of their thinking. We see that time and time again. You just have to look across the number of boards that receive government appointments to see they have quickly gotten rid of people not of their thinking and replaced them with Labor sycophants.

The government has recently announced a review of the owner-driver elements of the act following the Turnbull federal government scrapping the Road Safety Remuneration Tribunal. This has raised concerns that the Andrews government will try to use this to simply drive owner-driver contractors out of the industry, just as federal Labor and the unions have attempted to do with the Road Safety Remuneration Tribunal. Over time there have been some changes in some of the organisations that under the 2005 act had the right to nominate members to the Forestry Industry Council. This bill updates those and the relevant names.

We were worried that the Road Safety Remuneration Tribunal's purpose to improve road safety was not being achieved and that the measures that they said they could achieve were not being achieved, so the commonwealth government rightfully scrapped that tribunal and has diverted the commonwealth government funds to the National Heavy Vehicle Regulator to invest in the most important thing that occurs here — road safety improvements.

What the opposition is looking for this government to do, and what the community expects this government to do, is to ensure that the review they have underway supports the industry. But this bill has arrived before this house late, without explanation and with very modest changes and no explanation as to what the implications are for the transport industry. I have some amendments standing in my name, and I ask that they be circulated now.

Opposition amendments circulated by Mr ONDARCHIE (Northern Metropolitan) pursuant to standing orders.

Mr ONDARCHIE — I will speak to the amendments during the committee stage of the bill. There will also be some other matters I will seek to explore in the committee stage, subject to the amendments being supported by the government. The opposition parties do not oppose the bill but believe the proposed amendments will improve it.

Mr GEPP (Northern Victoria) — I rise to speak on the Owner Drivers and Forestry Contractors Amendment Bill 2016. The Owner Drivers and Forestry Contractors Act 2005 assists small businesses in the transport industry by providing them with information and support essential to the successful

running of their operations. The act was established by the Bracks government some years ago — in 2005 — to improve the position of small business owner-drivers and forestry contractors. It was established after a departmental review found that owner-drivers and forestry contractors earn particularly low incomes and experience a high level of business failure. The Bracks government at the time was concerned enough to enact legislation to try to protect and give support to those owner-drivers and forest contractors. They work long hours and they face exceptionally high ongoing costs to keep their businesses running, and the act operates to help those owner-drivers and forestry contractors to access the necessary information to help them successfully operate their businesses.

In addition the act also provides a low-cost mediation service to assist with the resolution of disputes that inevitably occur between contracting parties from time to time. The act also contains a couple of other things. It establishes the two ministerial advisory councils that Mr Ondarchie referred to, and I have already mentioned the disputes settlement system that operates through the Victorian small business commissioner. We also know that this act applies to businesses that operate a maximum of three vehicles where the owner also drives one of those vehicles. It does not apply to employees of owner-drivers.

Mr Ondarchie went through the amendments contained in the bill. The first amendment updates the names of certain industry bodies nominating members to the Forestry Industry Council. That is one of the two bodies; the other is the Transport Industry Council. Two of the representative bodies that comprise the Forestry Industry Council have changed over time, and that is why one of the proposed changes is made in the bill that is now before the house. The Australian Plantation Products and Paper Industry Council merged with the National Association of Forest Industries and now operates as the Australian Forest Products Association, and the Victorian Harvesting and Cartage Council was wound up in 2015, becoming the Victorian Forest Contractors Association.

As Mr Ondarchie also alluded to, the second amendment allows the minister to select an alternative representative body that can nominate a member to either the Forestry Industry Council or the Transport Industry Council. Rather than the assertion made by Mr Ondarchie, we see this as a reasonable measure for any minister to be able to take to ensure the quick resolution of any change to those representative bodies so that they continue to operate effectively for all of those who operate within the industry.

I will not take up too much more time, but I do want to talk a little bit more about statistics and why this is an important bill. The forestry industry employs approximately 21 000 people in Victoria, including some 10 000 in value-adding roles such as furniture making. There are approximately 40 000 to 50 000 indirect jobs generated by the economic activity of the jobs in the industry, many of them in regional Victoria. The industry was worth $7.1 billion to the Victorian economy in 2015–16, and it is an industry committed to research and development. Research and development is vitally important as we face the closure of the car industry, which was a major driver of private research and development investment in this state. An example of this is the new radial sawmill which has doubled the amount of wood per saw log.

In my electorate of Northern Victoria Region Black Forest Timber Mill in Woodend is set to be powered by solar energy, thanks to a $100 000 investment by the Andrews Labor government, again as a result of the commitment of the industry to research and development. It will build a 30-kilowatt solar system as well.

Mr Ondarchie also referred to the review that the government is undertaking into this area. What this bill does not do is attempt to pre-empt any outcomes from that review, but the review will aim to update the act to improve conditions for drivers and forestry contractors and ensure that they are not being exploited.

Last year the Victorian inquiry into the labour hire industry and insecure work heard evidence on a range of issues from a range of different parties, individuals and organisations regarding rates of pay, certainty of working hours and occupational health and safety for tip truck owner-drivers. The review will look at the inquiry's recommendations, including consideration of the establishment of a code of practice for the tip truck industry and threshold requirements on hirers to provide applicable rates and costs to owner-drivers. We hear more and more on a daily basis the concerns coming from the Victorian and wider Australian community about the low pay rates and static wage rates in this country and how people are doing it tougher and tougher. This review will assist in looking at those matters in the owner-driver and forestry contractors industries.

Therefore the changes proposed in this bill have been kept to a minimum, and we hope that the review will look at all of those key and critical areas, some of which Mr Ondarchie touched upon. What we do not seek to do in this bill is pre-empt any outcomes of that review. We expect a full and thorough process with

clear recommendations to the government. In terms of the changes that this bill does seek to make, contrary to earlier contributions I can inform the house that there has been consultation with industry and there has been consultation with all of the stakeholders. Concerns have not been expressed, so we are confident that the changes that we are proposing do have the support of the industry. I commend them to the house.

Ms DUNN (Eastern Metropolitan) — I rise today to speak to the Owner Drivers and Forestry Contractors Amendment Bill 2016. In terms of this bill — it is a reasonably technical bill — it basically sets out a process for the minister to appoint alternative nominating bodies to the Transport Industry Council in the event that the original nominating body ceases to exist. It also does similarly in relation to the Forestry Industry Council, which for the purposes of this bill has certainly caught the attention of the Greens because it is a signal of the government's failure to take up the challenge of transitioning communities that are dependent on failing industries.

We saw it with the Hazelwood power station — this very old, very polluting brown coal power station was clearly going to be closed down by its private owners within this government's term, yet the government stuck its head in the sand and was caught without a plan once Hazelwood's closure was confirmed. If this government had started transition planning two years ago, we would already be down the path of investing in new industries and reskilling the workforce in the Latrobe Valley. With respect to the forestry and related industries referred to in this bill, we are seeing it again with native forest logging. The native forest logging industry is literally logging itself out of existence, and yet this state government refuses to do anything about it. There are no excuses — the warning signs of massive change are there for all to see.

I was delighted to hear Mr Gepp in his contribution talk about 21 000 jobs, because most of those jobs are in fact in the plantation sector and not in native forest logging. Of course the Greens do not have any issue at all with plantation forestry and think it is the most sustainable way forward.

Firstly, it is clear from VicForests's latest timber release plan that at current rates of logging all the native forest available will be logged in a handful of years. That means that regardless of whatever else happens this industry is done for — what we say is by about 2022.

Secondly, the economics of native forest logging just do not stack up. There are accounting anomalies in each of VicForests's annual reports every year. In the 2015–16 report it was the use of the depreciated optimised replacement cost method to value roads owned and maintained by VicForests. This method is the same accounting trick that rationalised the gold plating of Australia's electricity networks, which has been the main driver of electricity price increases over the past decade. For VicForests to use the same dodgy method of accounting is appalling but predictable. The roads and tracks to each coupe maintained by VicForests do not have any value once native forest logging ends. This accounting method swelled its profit and loss sheet by $4 million, and it would appear to cover an operating loss.

Thirdly, there is stiff competition. Innovation in plantation forestry means there are comparable timber products on the market that are environmentally sustainable and are highly competitive on price.

Fourth, the market is waking up to the reputational risk of purchasing products sourced from native forest logging. There are community campaigns gaining traction that are calling for major retailers to cease stocking paper and timber products derived from native forest logging. These retailers are starting to feel the heat.

Fifth, trust is eroding between the players in the industry, and they are getting litigious. The big players are fighting each other. VicForests has been sued by its own customers for failing to fulfil supply contracts. In the inquiry into VicForests we have heard credible allegations that high-grade logs are being exported overseas or sent to Australian Paper for pulp when they should be used for higher grade purposes. Although denied by VicForests, these are concerns that have been raised by industry members themselves — by mills, which are pretty upset by the fact that they do not get access to those sawlogs. It would appear there are other priorities.

Highly pertinent to the actors covered by this bill is the fact that the little guys are being short-changed. In 2015–16 the Victorian small business commissioner received 38 disputes referred to it under the act which this bill amends. This was a 9 per cent increase on 2014–15. This means that owner-drivers and forestry contractors are reverting to the authorities to chase up payments from the big players in the industry. If the customers do not pay their bills on time or try to argue their way out of paying, it is a sure sign of financial stress.

Here we are in September 2017, well past halfway through this government's term, and does this government present a bill to transition workers from

native forest logging into plantation forestry and other industries? No, it does not. Does it present a bill to provide assistance to haulage contractors to switch to serving other industries? No, it does not. Does it present a bill to end native forest logging and create a substantial great forest national park to protect our remaining native forests — the sources of Melbourne's pristine drinking water, with ancient carbon stores and rich biodiversity? Does it seek funding for the infrastructure that would be required to support the park and create jobs in the process? No, it does not. Instead we are presented with a bill that rearranges the deckchairs on the *Titanic*. This bill is clerical, it is definitive and it is reflective of this government's lack of ambition when it comes to the necessary transition of the forestry industry from native forest logging to plantations.

I will quickly touch on the proposed amendments from Mr Ondarchie. These amendments essentially clarify that when a nominating body ceases to exist the minister can only replace that body if it does cease to exist, not just whenever that minister chooses; there is a direct linkage with a nominating body ceasing to exist. I look forward to hearing more about that and the government's response in relation to that in the committee of the whole.

The Greens will not oppose this bill. We note, however, that this government clearly lacks a plan to move the timber industry to 100 per cent sustainable plantations and the small businesses and their workers in this industry will be more vulnerable as a result. We also note that opportunities to bolster regional economies with a great forest national park will be squandered — lost to woodchips.

Mr RAMSAY (Western Victoria) — I rise to speak to the Owner Drivers and Forestry Contractors Amendment Bill 2016, and in doing so I note that Mr Ondarchie has foreshadowed some amendments. As other contributors have said, this is a bill that is not large in volume or in fact in detail. It really just seeks to amend the Owner Drivers and Forestry Contractors Act 2005 by updating the membership requirements of ministerial advisory councils created under the act, and it further amends the act to provide a procedural mechanism to allow for future membership changes in circumstances where a nominating organisation ceases to exist or changes its legal form.

As I understand the bill, its purpose is to update the membership of two ministerial councils: one for owner-drivers and one for forestry contractors. I do not intend to go into the bill's lack of depth, but I note that there were amendments in the Assembly as well. Obviously the first draft of the bill left a lot to be desired. Thanks to the coalition, there is agreement from the other side in relation to the amendments foreshadowed by Mr Ondarchie. It will be a far better bill than what was originally drafted and presented to the Assembly.

An issue I want to quickly flag to the house, given we are talking about forestry — and with respect to Ms Pulford, I am not suggesting her portfolio is the main contributor to this — is that there seems to be a philosophical move from the Andrews government to take away the opportunities for timber felling in East Gippsland. I am sure if Ms Bath were here she would like me to mention the significant impact on the workers and the communities in East Gippsland — their job security and obviously the added value that presents itself from having a strong and robust timber industry. I note that Ms Dunn, whose contribution was prior to mine, has also been very proactive in doing what she can to close the forestry industry down in East Gippsland. She has made little contribution to finding ways that could satisfy the environmental and protection issues around the Leadbeater's possum and at the same time allow communities in East Gippsland a continuous work opportunity in providing timber supply. That also has an impact on the contractors, for whom this bill is seeking to provide some surety.

There is no surety from the Andrews Labor government in relation to wanting to close down the Heyfield mill, if I can use that as an example, for the 65 to 100 workers that were impacted by that decision by the Andrews government, and also in relation to the impact that has on the community as a whole in relation to the money generated out of that business. If you cannot guarantee continuous supply of timber, you also cannot provide a guarantee to those contractors who incur significant financial obligations in relation to the leasing of equipment and machinery to go about their business and provide the service that they do. If I may be so bold as to quote from the annual report of Brickworks, which is the parent company of Auswest Timbers, which states:

> After many years of negotiation, the Victorian state government continues to frustrate efforts to make the required investments in our East Gippsland timber mills, by denying certainty of log supply.
>
> These operations now have only nine months supply contracted, with no clarity being provided beyond that term. As one of the largest employers in this region, these investments would provide an important boost for the local community, as well as enabling Auswest to cost-effectively meet the strong demand for product from these mills. However, if an acceptable log contract is unable to be secured, the East Gippsland facilities will be closed.

Now we are seeing the same sort of impact at the Heyfield timber mill in relation to quite significant exclusion zones that the state government seem to be hell-bent on preserving despite the fact that within the act there is a requirement to undertake a review to see how endangered the Leadbeater's possum, in this case, would be if those exclusion zones were removed.

But for whatever reason — and I always found Ms Pulford to be quite a pragmatic minister — she refuses to review the exclusion zones whereby they could be reduced to both facilitate the ongoing population of the Leadbeater's possum, which Ms Dunn has a huge affinity to, and also allow those timber workers in Heyfield, in the greater East Gippsland area, to be able to continue to log, to continue to supply timber, to continue to create ongoing jobs within those communities and also to add value to the East Gippsland economy. Unfortunately, for whatever reason I cannot fathom, Ms Pulford continues to refuse to have a relook at the exclusion zones to allow a greater catchment of timber to be felled and logged and provide ongoing supply.

The reason I am mentioning all of this — and you may well ask what relationship that information has to the bill, but it actually does have one — is that contractors who oppose this sort of second ministerial council, as it is, need some certainty in relation to their supply of work because they have significant financial obligations in relation to purchasing or leasing machinery for that service. If they do not have that continuity of supply, obviously some of those financial obligations and their risk in relation to meeting them are much greater.

I also want to refer to a local government, Banyule City Council, that in its wisdom decided it would take a stand against using Australian paper. Again, that is very unpatriotic. It might well have been an opportunity, as we were talking about the Australian flag yesterday and about the importance of supporting our Australian values and cultures — and obviously Australia Day, 26 January, is a very important part of this —

Ms Pulford — On a point of order, Acting President, I refer to the requirement under standing orders for the member to be relevant to the bill. I think we have been pretty generous in allowing some wideranging comments from both Ms Dunn and Mr Ramsay about the forestry industry, but they are a long way off from what is a very narrow bill. I would encourage you to bring Mr Ramsay back to the topic before the house.

The ACTING PRESIDENT (**Ms Patten**) — Mr Ramsay, if you would bring us back to the bill.

Mr RAMSAY — With respect to the Minister for Agriculture, I am sure she does not need me to tell her that there is a direct relationship between trees and paper. What I was talking about was forest, and a forest is a collection of trees, and trees are used for paper. The point I am trying to make is that a certain council, a metro latte-drinking mob of councillors that have a socialist-green agenda, has decided that it will not use Australian paper made from Australian trees in East Gippsland timber mills. They prefer to buy their paper from Austria. I am telling you, Ms Pulford, that I find that to be unpatriotic, particularly in the context of the discussions we had yesterday about the importance of supporting our local industries in Australia and also preserving the importance of our traditions and cultures.

But I will get back to the bill. I am actually summarising now, Ms Pulford, and saying that we will not be opposing this bill but in fact we will be improving the bill. Mr Ondarchie will have an opportunity in the committee stage to do exactly that.

Ms PULFORD (Minister for Agriculture) — I thank members for their contributions to this debate. They have been wideranging. We have gotten onto all sorts of topics that are broader than the very narrow scope of this debate. I do thank members for their intended statements of support for the bill, and look forward to exploring a number of issues that Mr Ondarchie, in particular, wishes to raise in the committee stage.

I also ask that the amendment standing in my name be circulated. It seeks to move the operative date of the legislation from September of this year to March 2018, given that we are already in September this year.

Government amendment circulated by Ms PULFORD (Minister for Agriculture) pursuant to standing orders.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr ONDARCHIE (Northern Metropolitan) — Minister, in relation to the Owner Drivers and Forestry Contractors Amendment Bill 2016 there exists a bit of a

dilemma in the industry — for example, for an owner-driver who is a private entity with their own ABN and does a range of services but is also part of a broader network group, such as a towing group. A tow truck driver might have his own little business, have his tow truck for transporting a range of things around, not just cars but also machinery et cetera. He has his own ABN and runs his own business, but he is also part of a wider towing group that gets called up to do a range of services, including attending accidents. The issue is that various state authorities have over time been broadening their definition of what a worker is, therefore setting up both the network group and individual owner-driver so they can levy both payroll tax and workers compensation premiums across two bodies. My view is that these owner-drivers should not be hit twice — once for being part of a network group and once for being their own individual operation. They are often small family businesses. Minister, how would you respond to that to make sure that they are not penalised twice?

Ms PULFORD (Minister for Agriculture) — Thank you. This is a question that is probably a bit beyond the scope of the bill, but I understand that it is a matter of interest to a number of small businesses. While we are here I am happy to provide Mr Ondarchie with a response so that people who are caught up in this situation can be certain of where they stand. There is no requirement that owner-drivers be charged for premiums both as an individual and through their network; however, it is possible that network operators are incorrectly declaring remuneration for people they engage who are meant to be treated as individual owner-operators. We would encourage anyone who feels that they are in this position to contact WorkSafe to seek some advice about what to do to avoid having to pay twice when there is no requirement to do so. I certainly encourage Mr Ondarchie, if he has been talking to people who are concerned about being in this situation, to please convey our invitation to them, and indeed to any employer who has got a question about their premiums, to contact WorkSafe to make sure they have got contemporary and accurate advice.

Mr ONDARCHIE — Minister, the government is currently undertaking a review of Victoria's owner-driver and forestry contractor laws. Could you give us an update on where that review is, please?

Ms PULFORD — Yes, certainly. I can indicate to Mr Ondarchie that the government has now received submissions and that consultation is still underway. That is occurring while the government is considering the submissions, and we will have more to say about this in coming months. Consultations are certainly ongoing and submissions have been received, so progress is continuing.

Mr ONDARCHIE — Thank you, Minister, for the update, which we will pass on to the industry. But there is a concern among the industry that the review is simply a sham to arrive at a predetermined outcome of attempting to impose Road Safety Remuneration Tribunal type laws on owner-drivers in Victoria in order to send them broke, drive them out of business and force them to become employees of transport companies, thereby delivering more members to the Transport Workers Union. It would be a huge increase to them in members, revenue, votes and power going to the Labor Party. There is a concern in the industry that the government might impose mandatory rates for owner-drivers in this very competitive market. Will the government give a guarantee that they will not impose or introduce mandatory rates for owner-drivers?

Ms PULFORD — Thank you. I can certainly assure Mr Ondarchie that there is no sham review. As I indicated, the review is underway. The consultation with industry is still occurring. I am sure that if Mr Ondarchie has had these concerns raised with him, then the consultation and the opportunity for people to make submissions to the review will have also flushed out any similar concerns, and people will have had ample opportunity to raise them. They have now been raised here as well. But I can assure Mr Ondarchie that the review is a serious and proper review.

Mr ONDARCHIE — The review's call for submissions had a closing date of January this year, but none of the submissions have been published on the departmental website; only the terms of reference have. Will you then give a guarantee or a commitment or an undertaking to the industry that you are not going to introduce mandatory rates for these owner-drivers?

Ms PULFORD — What I will say to Mr Ondarchie is that as the review is underway it would be pre-emptive to determine any matter that is being considered by the review here today. The consultation and engagement with industry is ongoing, and when the review is complete all parties who are interested in this will be made aware of the outcomes of the review. In regard to the question about submissions being made public, they will not be made public because the parties have made the submissions on the basis that they are confidential so that we can have a very detailed and meaningful set of submissions where people are able to be very candid in the information they are providing. The basis upon which people have been making submissions is that they will remain confidential, and so

we intend to uphold the undertaking we gave to all participants in the review.

Mr ONDARCHIE — Thank you, Minister, for that response. Minister, in independent reviews of the Road Safety Remuneration Tribunal model the modellers have found that setting minimum rates is an ineffective and costly way to attempt to improve road safety. The changes to the Heavy Vehicle National Law and other direct targeting of unsafe practices are far more effective to prevent accidents and save lives, so will you rule out setting minimum rates?

Ms PULFORD — As I have indicated, there is a review underway and I am not in a position to provide Mr Ondarchie with the outcome of a review that is still underway. Mr Ondarchie can keep asking as much as he likes, but the review is still underway. When the review is concluded, then all matters being considered by the review will be made known to everyone who has an interest in that.

Mr ONDARCHIE — Minister, given Labor's frustration at the Road Safety Remuneration Tribunal being disbanded by the federal government, is this an attempt to simply introduce those types of laws back into Victoria?

Ms PULFORD — Two points. One is that the commencement of the review that Mr Ondarchie is asking about preceded the decision that Mr Ondarchie is seeking to relate to it. Secondly, I have tried to be very generous and very helpful to Mr Ondarchie, but this is well beyond the scope of the bill.

Clause agreed to.

Clause 2

Ms PULFORD — I move:

Clause 2, page 2, line 2, omit "September 2017" and insert "March 2018".

The amendment simply seeks to change the commencement date for this legislation, as I indicated in the second-reading debate.

Mr ONDARCHIE — Minister, given that the Minister for Industrial Relations in the other place commented in a second-reading speech on how important the Owner Drivers and Forestry Contractors Amendment Bill 2016 is to the government's legislative program — and I note the change of date, given we are now already in September — why did it take so long to be introduced into this house?

Ms PULFORD — Because sometimes there are lengthy debates on legislation in this place. Sometimes we have a committee stage that goes for 5, 6 or 7 hours. The government manages the legislative program with a clearly stated desire of its continual progress through the house. We have had a couple of days in recent weeks where the government has not been in a position to progress legislation in government business time for reasons that members are well familiar with. So we are seeking to make this amendment to reflect that it has taken a little longer than would have been ideal for this to occur. It is a simple change of six months, and we would seek the support of the committee for that change.

Amendment agreed to; amended clause agreed to; clause 3 agreed to.

Clause 4

Mr ONDARCHIE — I move:

1. Clause 4, page 3, line 3, omit 'body.".' and insert "body.".

2. Clause 4, page 3 after line 3 insert—

'(2D) On the publication of a notice under subsection (2B), the alternative body specified in the notice is taken for the purposes of subsection (2A) to be a nominating body referred to in subsection (1).".'.

The amendments seek to make clear that if the minister specifies a replacement body when a nominating body has ceased to exist, that replacement body is treated as if it were named in the act, meaning the minister cannot then replace it in future whenever the minister chooses but only if it ceases to exist. They are relatively minor amendments, but they seek to protect both the employer and the employee nominating bodies from being dumped and replaced at any time on the whim of the minister, be it the current minister or any future minister.

Ms PULFORD — The government is happy to support these amendments. This is a cooperative body. The amendments moved by the opposition codify current and intended practice, so we have no problem with them.

Ms DUNN (Eastern Metropolitan) — In terms of the amendments moved by Mr Ondarchie, the Greens will be supporting those amendments. It seems that the amendments really seek to clarify the intent of the bill anyway.

Amendments agreed to; amended clause agreed to.

Clause 5

Mr ONDARCHIE — I move:

3. Clause 5, page 4, line 16, omit 'body.".' and insert "body.".

4. Clause 5, page 4, after line 16 insert—

'(2D) On the publication of a notice under subsection (2B), the alternative body specified in the notice is taken for the purposes of subsection (2A) to be a nominating body referred to in subsection (1).".'.

Amendment 3 is a consequential amendment to the more substantive amendment 4, which relates to notice of an alternative body to be nominated to the Forestry Industry Council.

Amendments agreed to; amended clause agreed to; clause 6 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017

Second reading

Debate resumed from 8 August; motion of Ms PULFORD (Minister for Agriculture); and Ms CROZIER's amendment:

That all the words after 'That' be omitted with the view of inserting in their place 'this bill be withdrawn and part 3 redrafted so that certain of the proposed additional powers in part 3 be instead made available for existing orders for young offenders'.

Ms DUNN (Eastern Metropolitan) — I rise to speak on the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017. I will keep my contribution brief. My colleagues Ms Springle and Ms Pennicuik have outlined the Greens' position on this bill. There are two elements of this bill that the Greens very much support: one is the diversion regime; the other is the new youth control orders, which if they work as they are intended to work should keep more young people out of prison — and we know keeping young people out of prison is one of the best ways of lowering the risk that they will reoffend in the future.

Then there is much in this bill that the Greens do not support. What I want to emphasise today is that the government's bill is not supported by the government's own commissioned report authored by Professor James Ogloff and Ms Penny Armytage. The Ogloff-Armytage report very sensibly recommends that young people be assessed in terms of the risk they pose when determining questions of bail, placement in a youth justice centre and sentencing. Unfortunately the government's bill takes a very different approach to making these decisions. The bill invents a new category of what it calls 'serious youth offences'. Based on that offence type, a young person might have their charges heard and determined in a higher court instead of the Children's Court. They might go to an adult prison instead of a youth justice centre. They might not get recommended for release from custody.

Recommendation 6.25 of the Ogloff-Armytage report calls for Victoria's nation-leading dual-track system to be available to young adults who have been assessed as not posing too high a risk of harm to others. Recommendations 7.9 and 7.12 call for parole decisions to be based on an assessment of risk, but the bill ignores these recommendations. There is all the evidence in the world which cautions governments against making decisions about offenders based on the type of offence they commit. It is unsupported by the evidence. It is against the Ogloff-Armytage report's recommendation, but it is all the way through this bill.

Clause 40 of the bill would authorise the secretary to grant permission to publish identifying information about any young person who has escaped from a youth justice centre. There is nothing in the Ogloff-Armytage report that supports this. There is no evidence that anything like this is necessary. Everyone who escaped from the Malmsbury youth justice centre on 25 January this year was recaptured very quickly thereafter. Police knew exactly who they were and where they were headed. The huge evidence-based risk is that this provision would operate in practice as a kind of 'naming and shaming' provision which both promotes vigilantism in the general community and provides young persons with a public identity as a known criminal.

Business interrupted pursuant to sessional orders.

PRODUCTION OF DOCUMENTS

The Clerk — I lay on the table two documents in part received in response to a resolution of the Council of 23 August 2017 relating to the production of the two security reviews of critical incidents in the youth justice system in October 2015 and March 2016, being the Muir reports.

I have also received the following letter from the Attorney-General:

> I refer to the Legislative Council's resolution of 23 August 2017 requiring that the Minister for Families and Children table in the Council copies of 'two security reviews of critical incidents in the youth justice system in October 2015 and March 2016 (the Muir reports)'.
>
> The government has assessed the documents against the factors listed in my letters to you on 14 April 2015 and 29 April 2016, which note the limits on the Council's power to call for documents and the government's approach to claiming executive privilege.
>
> In final satisfaction of the Council's order, the government has determined to:
>
> (1) produce two documents in part (which are enclosed);
>
> (2) not produce parts of the two documents referred to in (1) above.
>
> The government considers that producing the parts of the documents, referred to in (2) above, would be prejudicial to the public interest. Accordingly, the government, on behalf of the Crown, makes a claim of executive privilege in relation to those parts of those documents, on the grounds set out in the enclosed schedule.
>
> The documents produced by the government contain the personal information of individuals. In the interests of personal privacy, those details have been excluded.

I also lay on the table 23 documents in full and one document in part received in response to the resolution of the Council of 21 June 2017 relating to the production of documents including advice and/or information from Victoria Police to the Minister for Police in relation to firearms in the years 2015, 2016 and 2017 to 21 June 2017.

I have also received the following letter from the Attorney-General:

> I refer to the Legislative Council's resolution of 21 June 2017 requiring that the Leader of the Government table in the Council copies of 'documents, including advice and/or information, from Victoria Police to the Minister for Police in relation to firearms in the years 2015, 2016 and 2017 to 21 June 2017'.
>
> The government has assessed the documents against the factors listed in my letters to you on 14 April 2015 and 29 April 2016, which note the limits on the Council's power to call for documents and the government's approach to claiming executive privilege.
>
> In final satisfaction of the Council's order, the government has determined to:
>
> (1) produce 23 documents in full (enclosed);
>
> (2) produce one document in part (enclosed);
>
> (3) not produce parts of the one document referred to in (2) above;
>
> (4) not produce three documents in full.
>
> The government considers that producing the documents referred to in (4) above, and parts of the documents referred to in (3) above, would be prejudicial to the public interest Accordingly, the government, on behalf of the Crown, makes a claim of executive privilege in relation to those parts of those documents, on the grounds set out in the enclosed schedules.
>
> Some of the documents produced by the government contain the personal information of individuals. In the interests of personal privacy, those details have been excluded.

The PRESIDENT — I asked the Clerk to table those documents because under our standing orders those responses are required to be conveyed to the house at the earliest opportunity. They were due by 12 o'clock today, and therefore I have allowed them to be brought to the attention of the house. I would indicate that because they came in on a very tight time frame to that 12 o'clock deadline the table office has not yet had a chance to make copies available to members, but that will proceed as quickly as possible.

QUESTIONS WITHOUT NOTICE

Electorate office budgets

Ms WOOLDRIDGE (Eastern Metropolitan) — My question is to the Leader of the Government. Minister, yesterday you confirmed you had spoken to Mr Eideh earlier in the morning. Did you discuss the use of Mr Eideh's electorate office budget for printing purposes at that time?

Mr JENNINGS (Special Minister of State) — President, I can confirm to the house that the issues that I raised with Mr Eideh yesterday related to concerns that we may have in relation to whether the invoices that were associated with printing and other costs in relation to his electorate office expenses were valid and appropriate records and indeed that they had been scrutinised to make sure that they could satisfy community expectations. Mr Eideh and I also understood that it was essential for him to openly and

fulsomely have those matters considered and an evaluation undertaken of those matters.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) — I thank the minister for his answer. Minister, in question time yesterday you said the only person implicating Mr Eideh in the issue in relation to the use of electorate office budgets for printing purposes was the Leader of the Opposition. Why then had you already had discussions with Mr Eideh on the issue?

Mr JENNINGS (Special Minister of State) — In fact there is a whole series of questions that the opposition has raised both in the other chamber and today where they then put a number of pieces of either evidence that is available to them or allegations that have been made together with imputations about other people's actions. In fact I think it is very important that there is very little evidence that has actually been put into the public domain outside of the Parliament. Very little evidence has been relied upon by any media reporting or any commentary in relation to this matter.

Mr Ondarchie — It doesn't add up.

Mr JENNINGS — What do you mean 'It doesn't add up'? At no point in time did I indicate to the chamber at what time I spoke to Mr Eideh in relation to these matters. It could well have been, rather than the assumption that you have made, that it relates to what had occurred in the Legislative Assembly after your leader in the Legislative Assembly —

Ms Wooldridge interjected.

Mr JENNINGS — The Leader of the Opposition raised those matters in the Assembly —

The PRESIDENT — Thank you, Minister.

Electorate office budgets

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is also to the Leader of the Government. Minister, 24 hours have now passed since the matter was first raised in the house. With the exception of Mr Eideh, have you been made aware of any other Labor MPs that have used F & M Printing or the second printing firm now named, Cheson Printing, for printing funded through their electorate office budgets?

Mr JENNINGS (Special Minister of State) — I thank Mr Rich-Phillips for his question. In relation to my knowledge of these matters can I say to you that at no stage have I formally been made aware of these matters beyond the conversations that I have actually had with the relevant members of the Labor Party in relation to any formal advice that I have obtained through any source that actually confirms the nature of these, apart from advice that I have received internally within the Parliament — within the Parliament itself — through the way in which I have been advised upon what the instances of these invoices may be.

Honourable members interjecting.

Mr JENNINGS — I am making sense. You are choosing not to make sense of this.

Honourable members interjecting.

Mr JENNINGS — No, no, no. What I am actually saying is that I have not received any formal advice in relation to the inquiries that have been made within the Parliament on these matters.

In the questions that have been asked in the other place the Premier has indicated in the other place that the Parliament itself is undertaking an examination of these matters and that the Parliament itself is examining invoices that have been collected by the Department of Parliamentary Services and due consideration is being given to the evaluation of invoices that have been provided by the Parliament.

Ms Wooldridge interjected.

Mr JENNINGS — I am indicating to you that I have not received formal advice in relation to the Parliament's considerations of these matters. I am making it crystal clear to you that, on the basis of three members of the Labor Party, I know that in fact there is confirmation that three members of the Labor Party have used J & M Printing. That is what I know beyond the individuals themselves, and I do not formally know on the basis of the Parliament's considerations of those relevant invoices where the evidence lies in relation to those invoices.

The Leader of the Opposition in the other place talks a lot about information that he may hold — a lot of evidence that he may hold.

Honourable members interjecting.

Mr JENNINGS — I have indicated to you that I have not received formal advice on the Parliament's inquiries. Until I receive formal advice from the Parliament in relation to its inquiries, then I think it is inappropriate for me to give inconclusive evidence on the public record in relation to my knowledge of these

matters and in relation to the wellbeing of the Parliament. That is not to protect any members of the Labor Party in relation to the consideration of this matter.

The PRESIDENT — I am concerned that there has been a reflection on a printing company inasmuch as it has been questioned whether or not they have been involved in a rorting process. Can I indicate that the company that has been raised by Mr Rich-Phillips has not submitted any invoices to this Parliament since 2011, and indeed certainly had none in respect of Mr Eideh.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer and the President for his additional information, which was more useful than perhaps the minister's answer.

The PRESIDENT — The minister is not to know. Only I am to know, because I am the one who is conducting the investigation.

Mr RICH-PHILLIPS — Thank you, President. Minister, what information has the Andrews government actively sought from Labor MPs to ascertain which members of Parliament have been involved in using these printing firms through their electorate office budgets?

Mr JENNINGS (Special Minister of State) — As members of this chamber would be aware, yesterday I said the government has made very clear the expectation that not only should government members furnish that advice within the realms of the government but they should make sure that they fully comply and open their books in relation to the Parliament's scrutiny of these matters and that of any other relevant agencies in relation to these matters. On that basis, I am aware of three members of the Labor Party who have used — in fact I referred to the printing organisation as J & M when I should have said F & M Printing. But in fact we are talking about three members of the Labor Party who have used those printing services, and that was basically volunteered and confirmed by the three members in question. And any other further advice that I might have on this matter will be subsequent to the formal advice that comes through the Parliamentary Services examination of these issues.

Heyfield timber mill

Ms BATH (Eastern Victoria) — My question is to the Minister for Agriculture. Minister, in March your colleague Ms Shing, a member for Eastern Victoria Region, told ABC radio:

> We have indicated very clearly that we are very committed to making sure that jobs aren't lost, and as a buyer of last resort government has made it absolutely clear that the workers in Heyfield will not lose their jobs and will not lose jobs overall.

Minister, do you stand by your colleague's comments that all workers at Heyfield mill will not lose their jobs?

Ms PULFORD (Minister for Agriculture) — I thank Ms Bath for her question about the mill at Heyfield. The mill at Heyfield was facing certain closure. Ms Shing, in that radio interview that I did not hear but that Ms Bath is claiming that she heard, has indicated our government's preparedness to be a buyer of last resort, and that is certainly what we have done. We have announced that we have reached an agreement with the owners of the mill at Heyfield to purchase the mill, and we are certainly very much looking forward to the conclusion of those matters at the earliest opportunity. The mill at Heyfield was closing; it now is not closing.

Ms Bath — It's probably closing now; you lost its timber supply.

Ms PULFORD — It was closing because the owners said on a bunch of occasions that they were closing it. If Ms Bath wants to invite me to comment on the pressures on timber supply, then I would encourage her to talk to her coalition colleague the member for Warrandyte in the Assembly, who put in place special protection zones that have placed constraints on the timber that is available to industry, and to her leader, the Leader of The Nationals in the Assembly, Mr Walsh, who, when he was the minister, led the owners, the Hermal Group, to believe that there would be substantially more timber than his colleague the then Minister for Environment and Climate Change was ever going to allow to be the case. What we have in Heyfield is a situation where the former government has told the owners of the mill at Heyfield what they were hoping to hear and put in place some environmental protections that have brought these things into conflict. So you know where to go for the back story, Ms Bath — you go to your colleagues for the back story on this.

The mill was closing. The owners of the mill had announced on numerous occasions that they were closing the mill, and the mill is now not closing because

the government has, as Ms Shing indicated, been prepared to be a buyer of last resort. As I think everyone here knows well, the timber that will be available to the mill at Heyfield is less than it had been previously. This is well-known and well understood by the workforce at Heyfield, by the management at Heyfield, who will be — as Ms Dunn has indicated in previous questions and as I think is well known and has been widely reported — our partners in the future of this mill going forward and indeed by the union that represents the workforce. But we are doing the responsible thing in purchasing this mill, in ensuring that it stays open and in putting it on the most sustainable footing that it possibly can be.

Supplementary question

Ms BATH (Eastern Victoria) — I thank the minister for her response. Minister, when you were asked about jobs at the Heyfield mill you said 'Less timber for the mill does mean that there will be a need for some change' and you told this house 'there will be no job losses' while the sale of the Heyfield mill is finalised. Minister, can you explain to the Heyfield community why, unlike your colleague Ms Shing, you refuse to guarantee workers in Heyfield will not lose their jobs?

Ms PULFORD (Minister for Agriculture) — What we have guaranteed is that the mill has a future and that the mill will remain open. Less timber obviously means that there will be change required, and we have been up-front about that the entire time. The undertaking that we sought from the owners of the mill, the Hermal Group, was that there be no redundancies during the period of the settlement and resolution of the purchase. That is the undertaking that they have given us, and there is no reason to believe that that undertaking has been breached. If The Nationals were still in charge, you would have the certain closure of that mill, but because our government will do whatever it takes to save jobs in regional Victoria — we have created 60 000 jobs in regional Victoria in the time since we came to government, which is a fair bit more than the 5000 that were created over four years under the previous government — we will do everything we can to secure this mill's future.

Brighton incident

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. Minister, on Tuesday it was revealed that the government had commissioned three reports into the management of Yacqub Khayre and the Brighton terrorist siege. Minister, what changes have been fully implemented in Victoria as a result of the recommendations of those reports?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. Those reports have been provided to the State Coroner and to the expert panel on terrorism and the prevention of violent activities, and we are awaiting the conclusion of that work. As the Premier said at the time of the incident and in the days following, if there are learnings that we can adopt from those reports, learnings that arise from that incident, then we will look at them and look at the ways in which we can implement them.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I note that the minister failed to identify a single thing that has been done as a result of those reports, and I ask by way of supplementary: is it not a fact that despite having the three reports for more than 60 days nothing has been done by the Andrews government to protect Victorians and that the failure to do so is the reason those reports have not been released?

Ms TIERNEY (Minister for Corrections) — I reject the assertion that is embedded in the question. This is all about due process, and the due process is that there are a number of processes underway at the moment. That work will be concluded and we will, as a community, hopefully learn from the work done, and from that we will be able to work out the best way of implementing the learnings or recommendations of those reports and the work carried out by both of those investigations.

Brighton incident

Mr O'DONOHUE (Eastern Victoria) — My question is again to the Minister for Corrections. Minister, can you now advise the house: was the Brighton terrorist suspect, Yacqub Khayre, released on parole in clear contravention of Callinan recommendation 13?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. Again, I will not go to matters that pertain to an individual. Matters to do with parole are matters that are dealt with by the independent parole board. They are the organisation and the body that deal with parole decisions. They are the body that deal with —

Mr O'Donohue interjected.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — Minister, recommendation 13 of the Callinan review says:

> no person … should be granted parole who has not behaved satisfactorily for at least the second half of that person's time in prison. Failure to meet these requirements should be clear disqualifications for parole.

On 1 April 2015 the Minister for Corrections, Wade Noonan, endorsing this recommendation, said that it would be enacted that day and stated that:

> No violent or sexual offender can be granted parole who has not undertaken the required prison programs and behaved satisfactorily for at least the second half of that person's time in prison.

The midpoint for Yacqub Khayre's jail time was August 2014. He set fire to Barwon Prison on 21 February 2015, during the second half of his prison sentence.

Minister, what new evidence has been made available to indicate that Khayre was not released in contravention of recommendation 13?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. The fact of the matter is that the Callinan report was handed down in August 2013. There were 23 principal recommendations or measures. Recommendation 13 was fully accepted by the then coalition government. It was fully implemented in 2015, as Justice Callinan intended in his review, and the Victorian Auditor-General found in February 2016 that this recommendation had been implemented as per the recommendation and that it was an appropriate response.

Timber industry

Ms DUNN (Eastern Metropolitan) — My question is to the Minister for Agriculture. Logging persists where greater gliders are located, putting the listed species at further risk. Today, on Threatened Species Day, it comes to light that 27 areas have been logged in breach of the timber code of practice yet there have been zero prosecutions. As the minister responsible for VicForests and logging, can you advise why the interim conservation order has not been signed off on to protect greater gliders as committed to by the Minister for Energy, Environment and Climate Change in the other place?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question. I will take Ms Dunn's question on notice. I will confer with the Minister for Energy, Environment and Climate Change, Minister D'Ambrosio. These are responsibilities that are jointly administered by us, and so I would seek your agreement, President, for two days for the written response to Ms Dunn's question.

Supplementary question

Ms DUNN (Eastern Metropolitan) — Thank you, Minister. Minister, are you or your department stalling, opposing or delaying the signing off of the interim conservation order to allow for continued logging of Guitar Solo coupe and other coupes in the Hermitage Creek forest in Toolangi, even though the minister for the environment has recognised that less than 1 kilometre away the very same forest is high-priority greater glider habitat?

Ms PULFORD (Minister for Agriculture) — No.

Child protection

Ms SPRINGLE (South Eastern Metropolitan) — My question is to the minister representing the Attorney-General. The Attorney-General has told journalist Sylvia Rowley that he has referred the historic matter of children in need of protection having this recorded as an offence to the Department of Justice and Regulation for further investigation. Have these investigations commenced, and if so, has the department been given a deadline for reporting on this matter?

Ms TIERNEY (Minister for Training and Skills) — I thank Ms Springle for her question, which deals with an investigation and seeks the time frame for it. I will confer with the Attorney-General, and I am sure that he will provide a response within the time restriction.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — Thank you, Minister, for your answer. Will these results be made public?

Ms TIERNEY (Minister for Training and Skills) — I will ensure that that question gets passed on to the Attorney-General for his decision.

Firearm regulation

Mr BOURMAN (Eastern Victoria) — My question today is to the Minister for Training and Skills representing the Minister for Police in the other place. It is no secret that I have little regard for the behind-the-scenes shenanigans relating to advice given by various bureaucrats, both federal and state, regarding legal firearms. It is also no secret that there is a firearms

and weapons policy working group in the federal sphere which is pursuing an agenda that does nothing to combat illegal firearms but furthers a 'Be seen to be doing something' agenda, which is costing lives. Imagine my surprise when I heard of yet another federal body working quietly behind the scenes with the states on reclassifying firearms to a higher category based on appearance and so on. What a tangled web we weave. So my question is: does the government receive or give advice to the Australian Federal Police firearms identification and armoury team?

Ms TIERNEY (Minister for Training and Skills) — I thank Mr Bourman for his question and acknowledge his ongoing concern in this area. I will refer the matter to the Minister for Police.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for her answer. My supplementary question is: will the government publish a list of all bodies it consults before deciding on the classification of a firearm?

Ms TIERNEY (Minister for Training and Skills) — I thank Mr Bourman for his question. Again, I will refer that question to the Minister for Police.

Land Use Victoria

Ms PATTEN (Northern Metropolitan) — My question is to the Treasurer, represented in this house by the Special Minister of State, and it relates to the government's proposed sale of Land Use Victoria, also known as the land titles office. The land titles office generates $300 million in revenue annually. The office would generate significantly more than its purported $2 billion sale price in the long term were it to remain government owned. Selling this asset for a short-term gain may assist with the government's balance sheet this term, but it will create a sizeable hole in future state budgets. Will the minister release the business case underpinning this sale?

Mr JENNINGS (Special Minister of State) — I thank Ms Patten for her question, which almost sounded as if we were debating the matter in relation to the evidence she compiled, the assertions she made and the point she made during the course of this question. I think on balance it is a good idea for the Treasurer to respond to that, and I will speak to the Treasurer about that matter and ask him to furnish you with a response.

Supplementary question

Ms PATTEN (Northern Metropolitan) — Thank you, Mr Jennings. New South Wales and South Australia have undertaken a similar privatisation process, and it has not been without criticism. In fact when South Australia privatised its land titles office it privatised land valuation in the same move. Can the Treasurer confirm that when the government tried to take away valuation functions from our councils earlier this year it was not done so that it could be included as a sweetener in the sale of the land titles office?

Mr JENNINGS (Special Minister of State) — I think I can deny that allegation or concern immediately — I am pretty certain I can do that — but I am certain that the Treasurer will be more fulsome in his discussion on that matter when he responds to you.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — I have a written answer prepared to question on notice 11 064.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — In regard to today's questions I require a written response to Mr O'Donohue's second question to Ms Tierney, the substantive question, within one day; Ms Dunn's question to Ms Pulford, the substantive question, two days; Ms Springle's question to Ms Tierney, both the substantive and supplementary questions, two days; Mr Bourman's question to Ms Tierney, both the substantive and supplementary questions, two days; and Ms Patten's question to Mr Jennings, both the substantive and supplementary questions, two days.

CONSTITUENCY QUESTIONS

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Public Transport and it regards the Aurora Estate in Epping North. When residents first looked at moving into the Aurora Estate in Epping North in 2002 the then Labor government promised them a whole lot of things, including a train line. They still do not have their train line, and many of them are stranded because they bought in expecting a train line to be built by the then Labor government and

yet here we are, 15 years later, and they still do not have a train line. A local group, the Aurora Community Association transport working group, headed by Tony Francis, has put together a strong document that presents a case for building a train line to Epping North and on to Wollert. My constituency question to the Minister for Public Transport is: can the minister tell me when the commencement of the train line to Epping North and Wollert will occur?

Eastern Metropolitan Region

Mr LEANE (Eastern Metropolitan) — My constituency question is directed to the Minister for Education, James Merlino, and it pertains to Blackburn High School. In asking a follow-up question I want to thank the minister for arranging a new building audit of the Blackburn High School at my request. There had been an audit done on the state of the buildings, which I believe and the principal and the community also believe was incorrect, so a new audit has been arranged to make sure it reflects the current standard and the real standard of the buildings. The follow-up question, which the principal of the school asked me to ask the minister, is: when and how soon can this new building audit occur?

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My constituency question is to the Minister for Sport. On 10 March this year the Andrews Labor government made a funding announcement about building a new $46 million regional aquatic and leisure centre in Traralgon. The push to renew the existing 1959 facility has had huge community support over the years. We hear plenty of talk and many promises from the government and the much-hyped Latrobe Valley Authority on their plans for investments in the Latrobe Valley, but where are the results? Where is the action? Given the government's media release states, 'Construction will start on these projects in the coming weeks', my constituents are asking what progress has been made on the aquatics centre in the last six months. As industries close across the Latrobe Valley, constituents are asking me: what is the time line, where are the plans and when will the local contractors be able to tender for work? So my question to the minister is: what is the planned completion date of the Gippsland regional aquatic and leisure centre in Traralgon?

Western Victoria Region

Mr PURCELL (Western Victoria) — My constituency question is to the Minister for Public Transport. Earlier this year my community was very pleased to see an extra train service to Warrnambool, and during the consultation process it was identified that the linking of train and bus services to outside towns needed to be adjusted to reflect the new train timetable. However, it appears that this has not happened. It is my understanding that the weekday service from Melbourne to Warrnambool leaves Southern Cross at 7.23 a.m. and arrives at Warrnambool at 11.16 a.m. The connecting bus to Hamilton, Coleraine and Casterton does not leave Warrnambool until 5.00 p.m., so passengers have to wait at the train station for 6 hours. There are also no connecting buses from the Warrnambool train to Hamilton, Coleraine and Casterton over the weekend. My question is: will the minister improve the connecting public transport services so there are more timely connections in these regional areas?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question today is for the Minister for Public Transport. People in this chamber would be familiar with my concerns about the sky rail project, a project that nobody voted for and that has been put forward without —

Ms Crozier — Rammed through.

Mr DAVIS — It has been rammed through without an environment effects statement, without the proper design ever being released and indeed without it being finalised at this point, without the release of sound studies and without proper engagement with the community. But today there have been reports of a major engineering issue with the sky rail pylons. They are said to be sinking into unstable ground. Will the minister confirm the reports today of a major engineering issue with the sky rail pylons sinking into unstable ground and make a public announcement about the safety of the sky rail project with its ugly height and impacts on the local community?

Northern Metropolitan Region

Mr ELASMAR (Northern Metropolitan) — My question is for the Minister for Tourism and Major Events. We are seeing incredible growth in tourism in Melbourne and indeed across regional Victoria. On 13 August the *Herald Sun* reported that annual visitor spending is expected to grow from $25 billion to $35 billion by 2025. The *Herald Sun* also reported that more than 4500 new hotel rooms are planned across Melbourne, and the recent announcement that Melbourne has been named the world's most livable city for the seventh year in a row will surely encourage

a few tourists to visit our great city in coming months. So that people flock to Melbourne, we show the best we have to offer, whether it is our food culture and our schedule of major events or our cultural institutions and our wide variety of hotels to choose from. My question to the minister is: can he outline the benefits that the tourism and hotel boom will have on residents in Northern Metropolitan Region?

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Minister for Roads and Road Safety, the Honourable Luke Donnellan, and it is an issue I raised in an adjournment debate some weeks ago in relation to a potential delay in the progress of the duplication of Princes Highway west between Winchelsea and Colac. The situation is that BMD, one of the contractors doing a section of that duplication work, has been frustrated by a potential VCAT challenge in relation to accessing clay for a raw material base for the road material. That has come about because of a permit objection of the company that has currently got a planning permit for a quarry. The issue is that this is a $363 million project that could well be delayed and cost the VicRoads budget a considerable increase in expenditure. My question to the minister is: is he aware of the ongoing problems associated with the contractor accessing the borrow pits for the clay, and what is he to do about it?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My question is for the Minister for Energy, Environment and Climate Change. Mark Jones, the president of the Thornbury Turf Strokers Cricket Club, has contacted me outlining a number of issues regarding Parks Victoria, which reports to the minister. In 2015 Parks Victoria took control of Yarra Bend Park, which includes Corben Oval, a cricket ground used by the Turf Strokers. This ground was previously maintained by Yarra City Council, but since falling under Parks Victoria control it has not been maintained and is falling into disrepair. The ground, shared with the Richmond Cricket Club, has a small pavilion with limited dilapidated facilities. The clubs have written to Parks Victoria about enclosing the roof and installing a small kitchen and an external cage for bins and storage but have not received any response. I ask the minister why Parks Victoria has not responded and whether they will commit to these minor upgrades to this important facility for northern metropolitan residents.

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Mental Health. My constituents are concerned about the Andrews government's inadequate response to those suffering mental health and drug addiction issues in the Shepparton community. These concerns were heightened recently in light of a frightening incident that occurred near Wanganui Park Secondary College in Shepparton. On Wednesday, 23 August, a potentially drug-affected 18-year-old male threatened a 16-year-old youth with a machete outside Wanganui Park Secondary College, a school of 1200 students. I commend the quick actions of local police to protect staff and students by locking down the school while they searched for the male. I also commend the mature response of the students and the actions of staff, led by principal Ken Murray, during the frightening incident. The incident was resolved with the arrest of the male several hours later, thankfully without injury to any person.

The incident highlights to everyone the importance of identifying and helping those in need of assistance to ensure the safety of the entire Shepparton community. Minister, services in Shepparton are under-resourced and therefore difficult to access. Will you allocate additional funding to assist those in the Shepparton community suffering mental health and drug addiction issues?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. Accidents on the Tullamarine Freeway and Western Ring Road this morning made the usual horrendous trip from Melbourne's north-western suburbs an absolute nightmare. Traffic was gridlocked in every direction as far as the eye could see. This sort of scenario has become all too common for my constituents, and I ask the minister on their behalf: instead of preparing to flush $5.5 billion away on the discredited and entirely dodgy West Gate tunnel project, will the minister give some thought to providing genuine relief to the long-suffering motorists of Melbourne's west?

DISTINGUISHED VISITORS

The PRESIDENT — Members, it is my pleasure to acknowledge in the gallery today Senator Oliver Cadic, senator for French citizens living abroad. He is accompanied by Ms Julie Duhaut, deputy head of the French Embassy, and Ms Myriam Boisbouvier-Wylie. I always find these pronunciations difficult, despite

having done French at school. Myriam is of course a good friend of the Parliament as the consul-general representing France here in Victoria.

Mr Cadic, I would just make the comment that this Parliament on a number of occasions has expressed its sadness and indeed its solidarity with the people of France in respect of a number of terrorist incidents. We are obviously a very close friend in the global community of France, and many of us — probably nearly all of us — have travelled to France and to some of those places that have been involved in those terrorist attacks. We have been very mindful of the emotional issues that those attacks created for all French people, including the diaspora here in Victoria and Australia. We welcome your visit here and the opportunity that you will have to meet with that diaspora to perhaps understand some of their feelings as they process those nefarious activities that have occurred in France over recent times.

You are assured of our continued support, prayers and hope that these sorts of incidents do not occur again and that we are able to overcome this dreadful menace that has impacted on so many of our communities around the world. Welcome to our Parliament.

CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017

Second reading

Debate resumed.

Ms DUNN (Eastern Metropolitan) — Picking up where I left off in terms of the bill, naming and shaming has failed everywhere it has been tried — from Queensland and the Northern Territory to the United States. Recommendation 6.46 of the Ogloff-Armytage report addresses the issue of assaults on justice centre staff. However, that recommendation calls for the issue to be dealt with administratively through a youth justice behaviour management framework.

Unfortunately this bill ignores that recommendation and seeks to make a very lazy legislative change to simply increase the maximum penalties which might apply to young people found guilty of assaulting staff members.

The bill also appears to ignore the recent findings of the Victorian children's commissioner, the Ombudsman, Peter Muir, the Supreme Court of Victoria and the Victorian Court of Appeal, which all found that recent behavioural issues in youth justice centres can largely be put down to the fact that young people have been locked away alone in their cells for very long periods of time and far too often, not only in breach of the Victorian government's human rights obligations but also against all the evidence that predicts that lockdowns lead to violent behaviour among people in custody.

The bill would also increase the maximum penalties for young people who commit crimes. Increasing maximum penalties is lazy and populist. The changes the bill makes to simply increase the maximum sentences without making any reference to course or program completion times is inconsistent with the Ogloff-Armytage report.

It is worth reminding ourselves of how we got to this point. In October last year the government commissioned Professor James Ogloff and Penny Armytage to comprehensively review Victoria's youth justice policy framework. It was appropriate for the minister to order such a review, but then well before that review was complete the minister began to make major announcements about the future of Victoria's youth justice system. First, we had a raft of reforms announced before Christmas last year. Then we had the announcement of the new youth justice facility in Werribee, or somewhere else in Wyndham, and then we had this bill. All of this so-called reform happened while Professor Ogloff and Ms Armytage were still undertaking their review. Then, when the review was completed, it was delivered to the minister, who sat on it for weeks — for months. She sat on that report for a very long time. When did she release it publicly? She released it two days before this chamber was due to vote on this bill.

When we finally got to read the report, we learned that the bill is mostly not consistent with the report. I do not know whether the minister was hoping last sitting week to push the bill through before anyone had an opportunity to properly consider the report. In the end that did not work because we in the Greens delayed that ministerial juggernaut by voting in favour of an otherwise ridiculous opposition amendment, which had the effect of buying everybody some time. That opposition amendment effectively asked the government to get rid of the new youth control orders, which are aimed at keeping more young people out of detention. We in the Greens expected the government would not seriously consider that option. The Ogloff-Armytage review was public by then. The government had spent big money on that review. We assumed the government would be committed to the findings of its own review.

We were very surprised, then, when the minister wrote to us to say she was prepared to capitulate to the opposition and cut away its youth control orders just to get a win in this chamber. So the choice was clear to us: support the bill or vote against the bill and lose youth control orders. We were prepared to negotiate with the government. We tried to get the government to give greater discretion to the courts to deal creatively with young people who breach their youth control orders, but the government was not having any of that.

What the Greens did succeed in doing was to get the government to commit to a review of these changes after three years. That review will inquire into the effects these changes have had on rates of offending and on the dual-track system. The review will look at whether these changes have had a positive or negative effect on the rate of young Aboriginal or Torres Strait Islander people being incarcerated in Victoria, which is horrifically high and rising. The review will also look at how the new youth control orders and the new legislative diversion program are working and will recommend any changes that need to be made. The review will be made public.

The Greens are proud to have negotiated this review, the provision for which will appear in the legislation itself. The Greens also acknowledge the work of Smart Justice Australia, a coalition of expert organisations, which all work tirelessly to improve the justice outcomes and human rights protections of young people, indeed all people in the justice system. We have been working closely with Smart Justice Australia on this bill, and we lament the fact that we have not been able to secure more of the changes necessary to lessen what will surely be the negative impacts of this bill on justice outcomes for young people and the community more broadly.

It is a very great shame that the government and opposition have been more concerned with playing discredited tough-on-crime politics without securing a win at any cost than committing themselves to the kind of evidence-based reform that is in the government's own commissioned report.

Ms MIKAKOS (Minister for Families and Children) — It was quite some time ago now that we commenced debate on this bill. In fact it was in the last sitting week before the winter recess that we were very keen to have debate on this bill. As a result of the opposition's filibustering on other pieces of legislation, the bill was, sadly, delayed until after the winter recess. Nevertheless, I am very pleased that we are debating this bill here today.

It is a very important bill that contains a range of measures that seek to strengthen Victoria's youth justice system by addressing community concerns about crimes committed by children and young people. It also seeks to improve the safety and security of our youth justice facilities.

Members of our community deserve to be safe from crime and protected from young people who commit aggravated home invasions, aggravated carjackings and other serious offences. This bill makes it very clear that serious violent offending will not be tolerated. Community safety is a top priority for the Andrews Labor government, and from mid last year I have announced a range of initiatives aimed at strengthening and modernising Victoria's youth justice system. We are investing more money than any other government into our youth justice system following four years of neglect by the previous government.

Ms Crozier — What a lot of rubbish! Ms Mikakos, it is in disarray after you.

Ms MIKAKOS — Those opposite in fact sat on the business case for the Parkville youth justice facility. I have provided to this house documents that are unprecedented in nature that go to the very heart of the security of our youth justice facilities. I challenge Ms Crozier and Ms Wooldridge, who was then the responsible minister, to give permission to have the business case for Parkville made available to the youth justice inquiry so that the Parliament can in fact inform itself as to why that business case was not acted upon during the entire four years of the previous government.

By contrast, we have invested more than any other government. We have put a record amount into the youth justice system. Those opposite are entirely hypocritical when it comes to these issues and they are just interested in cheap political headlines rather than the safety and wellbeing of Victorians. Nothing speaks more to that than to have Ms Crozier, after everything she has said in this house, come in here and move a reasoned amendment to effectively kill this bill. She wants to effectively kill a bill that puts in place a range of reforms, including greater consequences for young offenders who assault our staff in youth justice facilities or escape or conduct property damage in these facilities. The shadow minister opposite has had so much to say about these issues, but when it comes down to it she wants to knock off a bill that seeks to address these issues, that seeks to respond to issues like home invasions and carjackings. She seeks to kill this bill off.

But I will have more to say about these matters when we talk about the reasoned amendment. We are absolutely committed to reforming the youth justice system. We have had a significant review of the justice system undertaken — the Armytage-Ogloff review which has been referred to in contributions.

Ms Crozier — Reviews, reviews, reviews!

Ms MIKAKOS — Ms Crozier is making light of the fact we have a review, and then she has given herself six months to go on junkets overseas and push back the parliamentary inquiry to the end of February next year. She thinks her inquiry, her political exercise —

Honourable members interjecting.

Ms Crozier — I raise a point of order, Acting President. Ms Mikakos, I have not been overseas. You are talking about junkets in the last —

The ACTING PRESIDENT (**Mr Ramsay**) — It is a point of order, not a debate. I do not uphold the point of order.

Ms MIKAKOS — I look forward to seeing whether or not the parliamentary inquiry will be heading overseas in the course of the next six months. They have extended their inquiry completion date to the end of February next year. It has been a complete political exercise because not once has that parliamentary inquiry asked for a single document that predates November 2014. I put the challenge out to those members of the inquiry who have been participating in this reference to look at the history of the system and the context of why these issues have occurred. Why have these issues occurred? It is because those opposite did nothing. They moved young offenders out to Malmsbury, and yet Ms Crozier comes in here and complains about the consequences for the local Country Fire Authority and that local community. She complains about what has happened at Parkville, and yet they did not act on their own business case. I put the challenge to them to actually release those documents, release the reports that Ms Wooldridge commissioned during her time as minister, and make them available to the parliamentary inquiry. Unless you do that —

Ms Crozier interjected.

The ACTING PRESIDENT (**Mr Ramsay**) — Through the Chair, Ms Mikakos; otherwise you are just inviting a response.

Ms MIKAKOS — it is an entirely political exercise. What we can say here is that we have a very important bill before this Parliament. We are getting on with addressing issues in relation to our youth justice system. We have delivered a record investment, including a new $288.7 million fit-for-purpose high-security youth justice facility to be built at Cherry Creek. We have invested $72 million to upgrade security at Parkville Youth Justice Precinct and Malmsbury Youth Justice Centre to make them fit for purpose and have adequate security measures. They certainly have had many years of neglect at those facilities.

I am proud to have undertaken a root-and-branch examination of the system through the Armytage-Ogloff review, which is the first time in 17 years that such a root-and-branch examination of the entire system was undertaken. I made the point when I spoke about the parliamentary inquiry that was proposed last year that I had in fact commissioned this independent review, and that is why I had the view then and I have the view now that this parliamentary inquiry was unnecessary. We have publicly released that review, which spans more than 700 pages, and the government has accepted, or accepted in principle, all 126 recommendations. In fact we got on with implementing those recommendations immediately on receiving it. This is why we took the time before the report was publicly released to consider the recommendations.

On the day that I publicly released that report I also announced $50 million to address the 42 priority recommendations of the report. That investment will cover things like a new custodial operating model to better manage young people in custody, greater workforce capability by providing better training and a targeted recruitment campaign, 21 additional safety and emergency response team staff, a new risk and needs assessment system to reduce the risk of reoffending, and addressing Aboriginal over-representation by employing additional Aboriginal staff as well. As part of this $50 million investment, there was also the biggest ever expansion of rehabilitation programs in our youth justice system. There is other work that is underway now to implement those recommendations.

The reforms contained in this bill, however, could not wait for that review to be completed. We sought to address immediate issues that went to the safety and security of young offenders, our youth justice staff and the broader community, and that is why we brought the bill to the Parliament when we did.

The recommendations of the Armytage-Ogloff review will be very important in terms of how we go forward with the new facility at Cherry Creek and how the

whole system operates into the future. I do not accept the comments that have been made that there is somehow some inconsistency in our approach, as was suggested by the Greens party. There is a very big piece of reform work underway, and it is disappointing to hear the views that have been expressed by opposition members, who cut youth justice staff during their time in government.

We have put in place increased staffing levels to make sure that young offenders at our youth justice precincts can be appropriately managed. Late last year we funded 41 custodial staff positions, which was included in the December budget update. We have launched a new recruitment and retention campaign. There are many things underway. In the Attorney-General's space, $3.4 million was allocated to establish a fast-track remand court to speed up the processing of young people on remand. We have also provided additional funding for additional bail supervision. Through the Minister for Police's portfolio a record boost to Victoria Police was announced by the Andrews Labor government, and that will see nearly 3000 police officers recruited.

Can I just say that we have put in place very significant reforms, including ones contained in this bill that enshrines into legislation for the first time a youth diversion system, something that Mary Wooldridge committed to doing in the last government. She put out a discussion paper and then did not take the matter further.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING PRESIDENT (**Mr Ramsay**) — I recognise in the gallery a former member for Western Victoria Region, David Koch. Welcome, David.

CHILDREN AND JUSTICE LEGISLATION AMENDMENT (YOUTH JUSTICE REFORM) BILL 2017

Second reading

Debate resumed.

Ms MIKAKOS (Minister for Families and Children) — I appreciate the opportunity to conclude my remarks before we break for lunch. This is an important bill we have before us. We have had some discussions with various parties about the bill. It is important that we have enshrined into this bill things like the statewide diversion program, which I have just referred to, but also the youth control orders, which will be introduced through this bill. The government believes there should be opportunities for young offenders to be appropriately rehabilitated, whether they are on community-based orders or whether they are in custody. The youth control orders will not be an easy way out. They will require intensive supervision by youth justice and regular court monitoring, and they will require young people to engage in education, training or work.

It was very disappointing that Ms Crozier moved a reasoned amendment. She gave, I think, a one-sentence explanation about why youth control orders were a source of concern to the Liberal Party. There was no case put as to why in fact they had any concerns about youth control orders at all. Yet despite that they are prepared to try to effectively kill off this bill, which contains a range of measures designed to improve the safety and security of our youth justice facilities and which will also ensure that young offenders who commit serious crimes are appropriately dealt with by our courts.

In concluding my summing up remarks, I want to flag that following discussions with other parties, I will be moving some house amendments in the committee stage, and I am happy for them to be circulated to members before we break for lunch.

Government amendments circulated by Ms MIKAKOS (Minister for Families and Children) pursuant to standing orders.

Ms MIKAKOS — I make the point that they were circulated to representatives of all the parties earlier today, so people have had the opportunity to be across them. Essentially what they seek to do is put into place a review mechanism in the future in relation to the effectiveness of the changes contained in this bill. The Greens party sought this proposal. I say at the outset that we have already had the most comprehensive review of the entire youth justice system in 17 years — it has just been completed. Nevertheless it is important that we get this bill through. I am grateful for some of the compromises shown by the Greens party on these matters; therefore the government is prepared to put a review mechanism into the bill. We are always prepared to review the effectiveness of all of our initiatives, whether they are in legislation or whether they are budgetary ones. I am prepared to foreshadow those house amendments at this juncture.

Sitting suspended 1.04 p.m. until 2.05 p.m.

The ACTING PRESIDENT (**Mr Melhem**) — Order! The question is that the reasoned amendment moved by Ms Crozier be agreed to.

House divided on amendment:

Ayes, 15

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

Noes, 23

Barber, Mr	Mikakos, Ms
Bourman, Mr	Mulino, Mr
Carling-Jenkins, Dr	Patten, Ms
Dalidakis, Mr (*Teller*)	Pennicuik, Ms
Dunn, Ms	Pulford, Ms
Eideh, Mr (*Teller*)	Purcell, Mr
Elasmar, Mr	Somyurek, Mr
Gepp, Mr	Springle, Ms
Hartland, Ms	Symes, Ms
Jennings, Mr	Tierney, Ms
Leane, Mr	Young, Mr
Melhem, Mr	

Pairs

Morris, Mr	Shing, Ms

Amendment negatived.

Read second time.

Committed.

Committee

Clause 1

Ms CROZIER (Southern Metropolitan) — I have just got a couple of questions I would like to get on the record in relation to diversion programs. I will go to this clause and ask these questions here. I am wondering how many diversion programs are currently in place, Minister. You might not have that information on you, and I am happy for you to provide it later, but if you do, could you inform the house?

Ms MIKAKOS (Minister for Families and Children) — What I can advise the member is that, as I alluded to in my summing-up remarks, this goes back some time. I certainly would hope that there is some bipartisanship around the issue of diversion programs. The previous government — the previous minister in fact — did put out a discussion paper during her time in government which related to examining the possibility of establishing a diversion scheme in Victoria. Unfortunately there was no legislation or any formal commencement of a program at that time. There was some small-scale funding that was announced just before the change of government.

When we came to government we did start discussions with the Children's Court in relation to these matters, and a pilot program commenced very soon afterwards in 2015. It was trialled in select locations across the state, and on 1 January this year a statewide youth diversion program was implemented. This followed extensive additional funding in the budget last year. It was in fact a recommendation of the Royal Commission into Family Violence that a statewide youth diversion scheme be introduced. This is why the government, as part of its very significant response to the family violence royal commission, did in fact put funding in the budget last year. I think, from recollection, it was $5.6 million for the diversion program. That statewide program commenced this year.

I am not quite sure what further details the member would like, but effectively what the bill is seeking to do is to put in place dedicated legislation to put this youth diversion scheme on a legislative footing. Up until now there has not been dedicated unique legislation relating to young offenders in the diversion scheme, and this is seeking to address that particular issue. The youth diversion amendments in this bill largely mirror the provisions that relate to the adult scheme that has been in place for quite some time, but they also provide for greater flexibility and do recognise the particular unique circumstances of young people.

Ms CROZIER — Thank you, Minister, for that answer and undertaking. You said you were hoping for bipartisan support. I think it is pretty clear that the coalition when they were in government commenced this process, so you do have that bipartisan support for the diversion programs. There has never been any doubt about that. I am just wondering, since the commencement of the statewide scheme, how many have participated in the programs.

Ms MIKAKOS — I do not have that information at hand, but I would be very happy to provide that additional information to the member. The information that I have seen in relation to participants is that it has proven to be very successful in terms of outcomes. Certainly the pilot that was in operation before the statewide expansion had very good outcomes. We have now introduced this statewide. My understanding is that there are approximately 342 young people who have been placed on diversion since the statewide program commenced, but I will certainly seek confirmation of that number and provide that to the member once the

information is at hand, perhaps at the conclusion of the debate.

Ms CROZIER — Thank you very much, Minister. Just in relation to that, did those programs also include drug and alcohol counselling programs? The reason for that question is to ask if you could give me an indication of what the current wait times are for counselling and also for drug and alcohol rehabilitation for young people.

Ms MIKAKOS — We are really steering away from matters that directly relate to the provisions of the bill here. If there are waiting lists and so on or issues around accessing programs funded by Minister Foley in his portfolio, then I think it is a bit of a stretch, really, to seek to ask me questions about that. But what I can say to the member is that it is in fact the Children's Court that makes the decision about the appropriateness of placing a young offender under the statewide diversion scheme and as part of that obviously the court could make particular orders or attach particular conditions to that. Then the youth justice staff and those who work with those young offenders need to ensure that there is access to those particular programs.

I should explain that the diversion program, in terms of what is contained in the bill, is going to be addressed in a pre-plea process by which the court will adjourn a young offender's case so that they can undertake specific activities. It is only on the successful completion of those activities that the magistrate, satisfied that those matters have been successfully completed, could then discharge the case. If the young offender does not complete the diversion, they will be required to return to court and enter a plea and be dealt with through the normal court process. So there is certainly a very clear incentive there to make sure that those young people can access those particular activities that the court might regard as being appropriate in those circumstances.

It is really important that we have a system that can seek to divert low-level offending as much as is possible. The court will make those decisions, of course. The system is geared to the young offender acknowledging responsibility for their offence and consenting to the diversion as well, but a key feature of the bill is that the prosecutor must also consent to the diversion before it will be considered by the Children's Court. This is consistent with the approach that the diversion scheme has in the Magistrates Court. The bill sets out factors that prosecutors must consider when determining whether to consent to diversion, including the young person's history of offending, the seriousness of the offence, and community safety. If the prosecutor and the young person both consent, the Children's Court then makes its own decision about the young person's suitability for diversion. There is a list of factors that the court has to consider in deciding whether a young offender is suitable for diversion and what types of activities they will need to undertake.

I think it is a very important reform. I am really heartened that Ms Crozier has put on the record the bipartisanship on this issue. I assume the Greens party also — Ms Springle is nodding — are supportive of this statewide diversion scheme. As I said, there was that discussion paper that came out some time ago. It is really pleasing that we will finally have through this bill a statewide diversion scheme enshrined in legislation in Victoria for the first time. As I indicated to the chamber, that scheme is already underway — from 1 January this year.

Ms CROZIER — Thank you, Minister. In relation to the diversion schemes, of course they are designed for low-level crime, but some of those children who might be involved in some of those crimes might have a drug problem or be at risk of being exposed to drugs. In your opening statement you said it is straying a little bit from the bill. I think it is really important and that is what I was asking you about in terms of the wait times. I will follow that up with Minister Foley, as you suggest that I do, in terms of what are the wait times for these people. You also said the prosecutors have a role in deciding who is appropriate for these diversion programs and what that might be. I am assuming that drug and alcohol rehabilitation and counselling might part of that; is that correct?

Ms MIKAKOS — Thank you. What I can advise the member is that it is obviously, as I explained, at the magistrate's discretion as to the types of conditions that they might attach to the types of activities that the young person would have to undertake as part of this diversion program. That may well involve drug and alcohol rehabilitation programs. In fact a referral will occur from the court to the service, and then obviously it is a matter for the service to provide that access to that young person. As I indicated to the member — it is not that I am trying to be unhelpful here — in terms of funding and those types of programs they are matters that sit with Minister Foley in his capacity as Minister for Mental Health in terms of drug rehab programs more broadly in the community, and that would also be the case for young people.

I would also make the point to the member, given the opposition's concern about youth control orders, that in a similar way young people might be required to undertake drug and alcohol rehabilitation programs as a

condition of a youth control order. The attraction of the diversion system that we are putting in place in the legislation, as well as the very rigorous conditions that we are attaching to the youth control orders, means that we can put in place more onerous obligations on a young person to make sure that they do address the causal factors of why they are offending in the first place. So, if there are drug and alcohol issues that have been involved or anger management issues or whatever it might be, it is important that the court has the ability to attach these specific activities and conditions as part of these orders to ensure that these matters are addressed.

I do make the point that both the diversion scheme and youth control orders have been very strongly supported by our Children's Court. They are very pleased by the fact that the legislation is now going to arm them effectively with more ability to ensure that young people must comply with particular conditions attached to those orders in terms of addressing the causal factors of their offending. If we are serious about making sure that we can rehabilitate young offenders, then that has to be the case.

I know that there are other regimes that exist, including New Zealand, which I visited. I looked at issues around the ability of the courts there to make exactly these types of orders and ensure that young offenders can effectively get some therapeutic assistance with causal factors to their offending. So we are really putting in place here some additional measures so that the court can ensure that young people can try and turn their lives around and get them back on track. That has got to be something that we should all be supportive of as we try and address the issue of youth crime and youth offending in our state.

I also want to make the point, given that we are talking about funding and so on around drug rehabilitation programs, that in introducing the youth control orders in this bill the government did announce a package of dedicated funding late last year for a range of measures, including the youth control orders and more intensive bail supervision as well. Some of that funding that we have set aside for the youth control orders could potentially be used to provide drug and alcohol rehabilitation if that is what the court decides a young person needs. So we have put some additional resources into the system through the youth control orders to ensure that we can prioritise access for those young offenders accessing drug and alcohol rehabilitation.

I think that should really be a matter that is beyond politics. I think most people in the community would say it is a bit of a no-brainer, really, to make sure that we try and nip in the bud youth offending. Some young people will make mistakes, and they will make some very stupid and big mistakes, but when we look at how we can save the community a whole lot of angst and cost and also ensure that that young person can live a productive life it is important that we are serious about trying to link young people into appropriate programs. I am very proud of the fact that in the $50 million package that I announced recently in response to the Ogloff-Armytage review a really important feature was the biggest ever expansion of rehabilitation programs for young people in custody. None of these things are about saying anybody is tough on crime or not tough on crime; it is about being smart. Labor governments always pride themselves on putting in place initiatives that go to the causal factors of crime, because we want to make sure we can turn people's lives around, and the earlier we can do that work and the younger people are when we do, the better off the whole community will be in terms of making sure that those young people get that additional chance.

Just recently I was with the Minister for Industry and Employment, Mr Noonan, when he announced some new money for employment programs and prioritising young people in the criminal justice system. I met a young woman there who had had issues with the criminal justice system from a very young age; she had disengaged from her school from a very young age, and as part of this employment program she was working for a chocolate company, Pana Chocolates in Richmond, and had gone on to get her first certificate qualification — the first formal qualification that she had had in her life. The pride that I saw in this young woman's eyes from her having managed to achieve this, to get her life on track and to end her antisocial behaviour was tremendous. That is what we are seeking to achieve here — making sure that we can provide more support to young people, whether it is through accessing diversion or drug rehab or employment programs or through keeping them engaged in school to help them to be productive citizens in our society.

Ms CROZIER — Minister, you mentioned community and integration activities. I am just wondering what percentage of young people participated in those integration activities and programs in the 2016–17 year. Were drug and alcohol rehabilitation programs a part of that?

Ms MIKAKOS — Are you asking, so I am clear, Ms Crozier, in relation to young people in the diversion program or on community-based orders more broadly?

Ms CROZIER — You talked about the example in the general community, but even in youth justice — in those community integration activities that they might be coming out of from youth justice facilities back into the community — how many of those were there in the last financial year? What numbers entered into drug and alcohol rehabilitation programs as well?

Ms MIKAKOS — Thank you for that question. The advice I have is that there is a reference in budget paper 3 to clients participating in community reintegration activities. The figures there are expressed as a percentage, so I refer the member to that. For the 2016–17 year the target was 65 per cent, and in fact the expected outcome for that financial year was also 65 per cent.

Ms CROZIER — Was that a reduction from previous years?

Ms MIKAKOS — In fact it is an increase. The 2015–16 actual was 59 per cent. However, the 2015–16 actual was lower than the target due to fewer young people in youth justice centres being eligible to participate in a community reintegration activity. I am certainly happy to seek further advice on this matter. If there are specific numbers that we can provide to the member, I am happy to provide those. The departmental officials in the box are indicating to me that it is very unclear exactly what the activities are that you are interested in because it could be a range of things. It might be difficult to quantify, but we will certainly look to see what data we can provide to the member at the conclusion of the debate.

Ms CROZIER — Thank you for that undertaking, Minister. I am interested in the drug and alcohol rehabilitation figures, actually. This is part of the Department of Health and Human Services (DHHS) reporting data, I think, as you are well aware.

I know Ms Springle has some questions, and I want to go to clause 13. I do not want to be too flippant about this, but before I do go to that I will just make one other point in relation to what you and your department have done previously, Minister, in relation to some freedom of information documents. This is in relation to the passing of this bill. I know that this is an important one to you, but I just want to try and understand why these celebrations are taking place. A morning tea was held to celebrate the passage of the Children Legislation Amendment Act 2016 in March 2016, and with the safe access zones legislation you also celebrated another passing of a bill. Those figures sort of add up over time. Are you going to have similar celebrations for your department for this? Minister, there are hundreds of dollars here that are being spent by your department to celebrate the passage of bills, so I just want to know if you will be doing it for this one.

Ms MIKAKOS — Acting President, we have had a very serious committee stage up until now. I would certainly hope that we can continue in that vein. The member has referred to costs for the passage of the safe access zones legislation. That was not even my act; it was a health minister act. I do not think it is helpful in debating an important piece of legislation here that the member is making flippant comments along those lines.

Clause agreed to; clauses 2 to 4 agreed to.

Clause 5

Ms SPRINGLE (South Eastern Metropolitan) — My questions pertain to when certain proceedings may be heard in the higher courts. My first question is: what is the current procedure for having matters where children are charged with murder, manslaughter, arson causing death or culpable driving causing death heard in the higher courts? What is the implication of having a matter heard in the higher court for a young person?

Ms MIKAKOS — I thank the member for her question. There are already certain types of offences for which young offenders could be tried in the higher courts, as the member has referred to, and these relate to homicide offences — for example, murder, attempted murder, manslaughter, child homicide, arson causing death and culpable driving causing death. All homicide offences will continue to be uplifted to the Supreme Court. The bill establishes or creates two new categories of serious youth offences to increase the consequences for young offenders who commit very serious offences, such as aggravated home invasion, and those who repeatedly commit serious offences. I am sure we are going to get into more discussion about this — the category A and B offences — so I will leave that for the moment. The bill creates a presumption that cases involving category A offences when the accused is aged 16 or over will be uplifted from the Children's Court to a higher court. Essentially the consequence, which is what the member's question was about, is that there will be a broader range of sentencing options available to a higher court that apply under the Sentencing Act 1991 rather than the Children, Youth and Families Act 2005. If the matters go to the County Court or the Supreme Court and the accused pleads not guilty, they would potentially have a jury trial as well. Those are the two big changes in terms of a young offender who has committed one of the serious offences being uplifted to the higher courts.

Ms SPRINGLE — Just to clarify, is that what happens now or what will happen with the introduction of this legislation?

Ms MIKAKOS — To be clear, Ms Springle, currently certain types of offences go to the higher courts if the accused is a young person, and I explained that homicide offences are examples of those. Terrorism offences are another example. What will happen through this bill is that a broader range of offences could potentially go to the higher courts.

Ms SPRINGLE — My question of clarification pertained more to which act applies with this piece of legislation. Is it the Children, Youth and Families Act or the Sentencing Act?

Ms MIKAKOS — I think the easiest way to explain this is that the higher court will have sentencing options available to them under either of those two acts, so they could sentence a young offender to youth justice custody under the Children, Youth and Families Act or they could apply a longer sentence under the Sentencing Act such as that which would apply to an adult offender. They have the option to choose, in the appropriate circumstances, which sentencing option they want to go for under either of those two acts.

Ms SPRINGLE — So it would be at the discretion of the court. Are you able to tell us how often the higher courts use the Sentencing Act as opposed to the Children, Youth and Families Act for crimes involving death?

Ms MIKAKOS — Whilst I do not have these figures at hand, I would be happy to provide them to the member later. But what I can advise the member is that thankfully there are few young offenders who commit homicide offences every year — let us hope that remains the case — and therefore it would be a small number of young people who would currently be uplifted to the higher courts for those very serious offences.

Ms SPRINGLE — Thank you, Minister. I would just like to move on to ask about how this clause fits in with the victims charter, which requires that victims are able to participate in decisions about their cases, such as through the group conferencing that is currently used in the Children's Court.

Ms MIKAKOS — The types of offences where group conferencing is used tend to be, I guess, not typically these very serious offences that we are talking about that will now go to the higher courts. I am not saying that it will never be the case, but that is not typically the case. Coming to the issue that was at the heart of the member's question around victims having a voice, there is a requirement for victim impact statements and that would still apply in the County Court and the Supreme Court, so victims would certainly have an opportunity to explain to the court the impact of the crime on them. I do think that is a really important feature of our justice system — that victims do have that opportunity. I make the point to the member that, having sat in on a group conferencing matter myself many years ago, I have also seen the power of those processes as well and having a young offender presented with a victim was a very powerful aspect of that particular process. But it is important that the member does understand that victims will continue to have a role through these reforms, even if matters are uplifted to a higher court.

Clause agreed to; clauses 6 to 12 agreed to.

Clause 13

Ms CROZIER — Minister, in your summing up you spoke about the intensive supervision by court and youth justice workers for the youth control orders. I note that clause 13 in this part of the bill, part 3, does speak about providing 'intensive, targeted supervision to the child, to help him or her to develop an ability to abide by the law'. How will monitoring be undertaken under youth control orders?

Ms MIKAKOS — I thank the member for the question. I guess it is important to give a little bit of context first about youth control orders. Youth control orders are being introduced to provide for intensive monitoring and supervision of young offenders. They are based on a successful therapeutic model that operates in New Zealand and they have the strong support of the Victorian Children's Court. They are designed for those young offenders who are regarded as having the potential to be rehabilitated with intensive support from youth justice and ongoing supervision by the court.

In answer to the member's question, there will be intensive supervision both by the court, at least monthly in the first half of the youth control order, and by youth justice staff themselves as part of the commitment of the government to introduce these orders. We have also provided additional funding, which I alluded to earlier. A package was announced in the budget. The government's investment includes additional funding for Victoria Legal Aid as well as funding for the Children's Court and funding for the department to implement the youth control orders and intensive bail program. That means that additional youth justice workers will be recruited as part of this process to make

sure that there is adequate supervision of young offenders under these orders.

Ms CROZIER — I thank the minister for that answer, but could I get some clarification? I am not sure about what the supervision means, and I presume it is on an individual basis. You said you have put in additional resources that — correct me if I am wrong — the court would be monitoring on a monthly basis and youth justice workers would be in place. How often will those youth justice workers be engaging with a young person on a youth control order is what I am trying to determine.

Ms MIKAKOS — A youth control order will involve intensive community-based monitoring and supervision for a sentenced young person. It will also require the young person to come back before the court on a regular basis for the court to monitor compliance. The order could provide for a variety of optional conditions. It could, for example, include restrictions on the young person's use of social media if their use of social media has created genuine concerns for community safety. Every young person on a youth control order will need to participate in education, training or work and will receive the support and assistance they need to do so. In terms of the level of supervision by youth justice workers, obviously it will vary according to what the court regards as appropriate, but it could potentially be as frequently as every day.

Ms CROZIER — Thank you, Minister. With the orders that we already have in place, the non-custodial orders, why could the things that you have just mentioned — the monitoring of social media — not be applied to those orders?

Ms MIKAKOS — There is the ability of the court to attach some conditions to other community-based orders, but the bill is very prescriptive in relation to youth control orders. It is certainly far more prescriptive than is the case in relation to any other community-based order in terms of eligibility, in terms of conditions that could be applied and in terms of prescribing in considerable detail things such as the planning meetings that will need to happen in relation to these young offenders. So taking it to a new level is I guess how you could describe it. There is some ability at the moment to do so under the existing orders, but this is being far more prescriptive in nature than has been the case in relation to other community-based orders, which leads me to the point that I want to make. I do not want to harp on this too much, but given that that is the case, hence my big surprise that the coalition would actually have opposed the youth control orders, because what you would hope to achieve is that, if you have got younger people in community-based orders, you would want the court to have the ability to ensure that they engage in appropriate programs to rehabilitate and be productive members of the community.

Ms CROZIER — Thank you very much. Minister, we have got diversion programs in place that are running across the state for low-level crimes. We have got the new categories in this bill for very serious crimes — the category As and the category Bs. What sort of offences will be applied to these youth control orders?

Ms MIKAKOS — I thank the member for her question. As is the case at the moment with all community-based orders, it is a matter for the court's discretion as to the suitability of a young person to be sentenced to such a community-based order. That will not change in that sense, but I do make the point to the member that the bill is very prescriptive about the eligibility requirements for the court to be able to consider someone for a youth control order.

For example, the bill includes a number of provisions that ensure that only a suitable young person is placed on a youth control order. These include that the court will make inquiries of the secretary and be satisfied that the child or the young person is a suitable person to be placed on a youth control order; that the court has regard to the person's behaviour on any bail supervision program in which he or she has participated; their behaviour on remand if that is applicable; the extent to which they have acknowledged responsibility for their offending; the availability of education, training or work opportunities for that person; their willingness to engage in education, education, training or work; the report of the youth control order planning meeting held for that person; and any other matter the court considers relevant. So it is prescriptive in terms of eligibility, and the court does have to have regard to a number of matters as well in terms of determining whether to make a youth control order.

Ms CROZIER — Thank you, Minister. Minister, you have just said that the bill is fairly prescriptive in relation to the what the court must do if they make a youth control order. In the Attorney-General's second-reading speech he said:

> The youth control order is a new sentencing option targeted at children who would otherwise be sentenced to detention because of the seriousness or ongoing nature of their offending …

My concerns and the coalition's concerns are in relation to some of those offences, and that is why I asked that

question — because of what the Attorney-General said and the serious nature of these youth control orders. You used social media as an example — if social media was putting the community at risk. Can you guarantee, then, that the community will be safe from somebody who is on a youth control order?

Ms MIKAKOS — I think it is important to explain to the member that there already is a hierarchy of sentencing that exists under the act, and it was the case under the previous government. It has been a longstanding provision that does provide for community-based orders to be put in place as a sentence by the Children's Court in relation to offending, and it does not prescribe what those types of offences are. That has been in place for a long time, and in fact all of those community-based orders in terms of how the hierarchy works are effectively an alternative to custody. There is no change to that; the only change is that a new type of order has been inserted into this hierarchy that is far more prescriptive in nature in terms of eligibility, firstly, and in terms of the mandatory conditions for a youth control order. I gave the member one example about social media; there is a very long list, and I am happy to go through it. If a person is placed on a youth control order — and this is all spelt out in new section 409F(1) — the order will be subject to the following requirements to:

> … not commit another offence, whether within or outside Victoria, during the period that the order is in force;
>
> … report to the Secretary within 2 working days after the order is made;
>
> … report to the Secretary, as required by the Secretary, during the period that the order is in force;
>
> … comply with any lawful and reasonable directions given by the Secretary;
>
> … attend the Court as directed by the Court …
>
> … participate in education, training or work (whether paid or unpaid), for some or all of the period that the order is in force;
>
> … notify the Secretary of any change in the child's residence, school or employment within 2 working days after the change —
>
> … not leave Victoria without the permission of the Secretary.

In making a youth control order, the court may have regard to a young person's youth control order plan and personal circumstances and can also impose the following requirements as additional conditions. These include, to be inserted in new section 409F(2), that they:

> … participate in one or more community service activities;
>
> … undergo treatment for drug or alcohol dependence —

and we have discussed that already —

> … attend a counselling or treatment service of any kind;
>
> … reside at a specified address;
>
> … not leave his or her place of residence between specified hours on specified days;
>
> … not contact specified persons;
>
> … attend and participate in a group conference;
>
> … participate in cultural programs or attend culturally specific community support services —

and social media is also in my list, which I have referred to already —

> … not visit particular places or areas, or only visit the places or areas at specified times —

and —

> … if a pre-sentence report includes a statement from the Secretary that the child has an intellectual disability within the meaning of the **Disability Act 2006**, that the child participate in disability services available under that Act as directed by the Secretary —

and finally —

> … any other requirement that the Court considers appropriate, having regard to the circumstances of the child.

The point I would make to the member is that there is a very prescriptive list of mandatory conditions that could be put in place in relation to youth control orders — a very long list of mandatory conditions — and the court has available to it a further list of additional requirements that they could impose. I referred to drug and alcohol counselling earlier. I talked about how the additional funding that we have put in place could also prioritise access. There is a very prescriptive list.

I know the opposition has sought to characterise this in some way as a soft option. Nothing could be further from the truth. We want to make sure that if a young person is put on a community-based order that they have to undertake a whole range of things whilst they are out in the community. They will be subject to a higher level of supervision than they would otherwise be subject to under the existing community-based orders. This is a very important reform, strongly supported by the court, and it puts in place far more prescriptive conditions for young offenders.

Ms CROZIER — Thank you, Minister. I note that you did not answer the question. That is a long list, but as the Attorney-General himself said, these youths are not in detention because of the seriousness or ongoing

nature of their offending. However, they have got these options. These options are prescriptive — you have just listed them — but do you concede that youths could go on and commit serious crimes even with these prescriptive orders in place?

Ms MIKAKOS — I made the point to the member that under the regime that existed during the time of the previous government there were community-based orders and young people were sentenced on community-based orders. They were under maybe a youth supervision order or a youth attendance order and they had far less prescriptive conditions attached to them whilst they were out in the community. Guess what? Some of them did go on to reoffend. If the member wants to come in and ask ridiculous questions like that, she can do so, but the whole point of putting a young person on a youth control order and attaching all these additional conditions to them and putting in place all the additional supervision is to minimise risk to the community. That is absolutely what it is about. It is about minimising risk. It is about making sure we can address the causal factors of their offending so that they do not go on to reoffend, and that is certainly what we are all seeking to achieve here. It is a range of reforms that seek to ensure that we can reduce crime and youth offending in the community.

Ms CROZIER — In the definitions that are in part 1 of the bill a child is defined as being under 18 years of age. In part 3 of the bill new section 409B(2) states:

> The term of a youth control order must not exceed 12 months and must not extend beyond the child's twenty-first birthday.

Could you just clarify that for the committee? I am assuming that is concurrent, so if the control order was applied prior to the 18th birthday of an offender this would apply. Could you just clarify that part of the bill for me, please?

Ms MIKAKOS — I can advise the member that as is the case currently with any community-based order a young offender would need to have committed an offence while under 18, but the matter can still be heard by the Children's Court provided that the proceedings commenced before they turned 19. That is what happens currently. The point I am making to the member is that what will apply in terms of age eligibility for a youth control order is the same as is the case at the moment for community-based orders.

Ms CROZIER — Thank you, Minister. And the youth control order is for a period of 12 months, according to the Attorney-General's second-reading speech?

Ms MIKAKOS — Yes, I can confirm that there is a maximum of 12 months.

Ms CROZIER — I am sorry to be slightly tedious on this, Minister, but if an offence is committed by a youth prior to the age of 18, a youth control order goes for up to a 12-month period and, as you said, community orders are up to the age of 19. I am just wondering why in the part of the bill I referred to it says 'under twenty-one'?

Ms MIKAKOS — Can you just explain to me where you are looking in the bill?

Ms CROZIER — It is in part 3, new section 409B(2). It is that period between the ages 19 and 21 that I am querying.

Ms MIKAKOS — I think I understand the member's question now. The eligibility for a youth control order, as I explained, is the same as any community-based order, and the court's jurisdiction relates to an offence that is committed whilst the young offender is under 18 and the proceedings have commenced, as I explained before, before they turn 19. Now, a youth control order must not exceed 12 months under the provision that the member referred to and also cannot extend beyond the young person's 21st birthday.

The reason there might be a discrepancy, I guess is how the member would see it, between the time lines is that there is an outer limit, an end age of 21, and that is because there may well be some delays for the matter to go through the courts. Whilst the jurisdiction of the court says that the proceedings have to commence before they turn 19, it might well be the case that the matter has been adjourned off for some reason. It takes some months to go through the court process, and then they get their sentence. Their sentence is a maximum of 12 months, and they might be getting a little bit over 20, if that makes sense. Hence the bill specifies that we do not want this to be a continuous, ongoing process — that there is an end date in terms of eligibility of a youth control order not extending beyond that young person's 21st birthday.

Ms SPRINGLE — I would like to go back to when Ms Crozier was talking about the different orders that currently exist, and this is obviously a new one that is added to that list. With the introduction of these, there will obviously be a range of different community-based orders which can apply to young people, including youth supervision orders and probation orders. Was there any consideration of bundling them all up into a community correction order-style catch-all that gives

maximum discretion to the court based on its assessment of the needs of the young person and their community?

Ms MIKAKOS — I can advise the member that obviously the government would have considered a range of options in terms of addressing youth offending issues. There are already a number of community-based orders, and the member gave us examples of some in her question. They do have some conditions that the court can put in place on a young person, but they are not as prescriptive as the youth control order. There is considerable discretion for the court already in relation to those matters in terms of the suitability of conditions under those other orders, but the difference here with the youth control orders is there is a far more prescriptive list of mandatory conditions. The government did consider it appropriate to be able to mandate a very long list of conditions that the court could put in place. Whilst some might characterise that as a punitive thing, I think it is an appropriate balance to be sure of what the court has available to it. We are sending a message to the court as a Parliament that the court should consider a higher level of supervision and prescription in terms of the types of programs and activities that we would expect a young offender to undertake whilst they are on that youth control order.

I guess the short answer to the member's question is: of course we considered a range of options, but we did think it was more appropriate to put in place a higher level of prescription in this case. There is still considerable discretion available to the court in relation to the broad suite of community-based orders, but we thought in relation to this and where it sits in the sentencing hierarchy that it was appropriate to be far more prescriptive in nature.

Ms SPRINGLE — Thank you, Minister. You have talked about the prescriptive nature of these orders and how closely involved the youth justice workers will be with those on these orders. Leading on from that, and I suspect that is part of the answer to this question but what I would like to know is: if there were a scenario where a youth justice worker was not giving the support that the young person needed, and that young person breached the conditions of the order — and it may well be that the breach was a far lesser offence than what they were put onto the order for in the first place, so it would actually be an improvement in behaviour but be still a failure and a breach of the order — is there some appeals mechanism that the young person has access to in that case, if they were to breach the order but had not really been given access to the supports and services that they needed?

Ms MIKAKOS — I thank the member for her question. If a young person breaches a youth control order, the court must impose a sentence of detention unless there are exceptional circumstances supporting an alternative outcome. This is set out in new section 409R. These exceptional circumstances mean that a breach of a youth control order does not equate to mandatory sentencing. It is a narrow discretion which will enable the courts to impose appropriate sentences in each case, for example, where a youth control order is breached by a young person with a severe intellectual disability.

The point that I would make to the member is that there is now going to be far more regular monitoring by the court of young people under a youth control order, and I would imagine that a magistrate who had a sense that a young person was not getting access to the supports they needed would have something to say about that.

Ms SPRINGLE — I am sure they would. I am certainly not suggesting that they are not well equipped to make those assessments. What I am asking is: is there an appeals process if a young person feels like they have not been supported properly by the worker that they have been assigned to or they have not had access to services? As Ms Crozier was pointing to earlier, there is a deficiency in services and access to services and perhaps they should have a right to natural justice in that way.

Ms MIKAKOS — I thank the member for her question. The point I was making to the member earlier is that there is going to be a lot more ongoing monitoring by the court and also by youth justice workers. The bill has in place a range of processes around youth control order planning meetings. A young person would be able to have an advocate potentially through those processes as well. They would be able to raise these issues around access to services, for example, through those services. I make the point that our youth justice workers set out to help young people to succeed. They are very committed individuals who work to make sure that young people can be supported to turn their lives around. Certainly in that sense there will be opportunities through those processes for young people themselves or their advocates to raise any issues of concern.

Obviously, as I indicated earlier, the court itself may well express a view about these matters. There are, however, very limited exceptional circumstances set out in the bill in terms of a potential breach. In that sense there is not an appealable mechanism, I guess, around the breach, but once young person is sentenced — if they committed a breach and they were sentenced to

custody — then they could potentially appeal that sentence as they could appeal any sentence.

Ms CROZIER — Minister, you referred earlier to your visit to New Zealand and the model there. You have based this bill on the model from New Zealand. I am just wondering: what percentage of young offenders are on youth control orders in New Zealand?

Ms MIKAKOS — I thank the member for her question. I certainly did not want to give her the impression that we have brought to Victoria New Zealand's system or a specific type of order from New Zealand. I am not aware if there is anything directly referred to as a youth control order in New Zealand.

The point I was seeking to make was that an important feature of the New Zealand system is a far greater emphasis on judicial monitoring and also case planning meetings than we have had in the past. Those two aspects, those two features of their system, which I was impressed to see, are a key feature of what we are introducing in the youth control orders here as well. There will be, as I explained, far more judicial monitoring and oversight by the court through the regular reports that will now occur on any young person subject to a youth control order, and also through case planning, with the experts and workers coming together through the use of control order planning meetings — various people working together to make sure that there is a successful outcome for that young person whilst they are subject to the order. Those two features from New Zealand are key features also of our youth control orders, but I think it would be an incorrect characterisation to suggest that we have transplanted a particular order from their regime to our jurisdiction.

Ms CROZIER — Thank you, Minister. I suppose what I am concerned about is that we have huge numbers of young people on remand. The Children's Court is very stretched at the moment with the current demands within the system. With the increased monitoring and the planning and supervision that will be required because of this bill, even though you have said you are putting more resources into youth justice workers and also the courts, how will that really apply? Are you envisaging further delays in the system, or do you see the court being able to handle what this bill proposes?

Ms MIKAKOS — I assure the member that my department has been working very closely with the Children's Court in relation to this particular reform. As I have indicated I think on a number of occasions now, the Children's Court is very supportive of the youth control orders. In relation to pressures on the court more broadly I make the point to the member that in terms of remand issues the budget this year invested $3.4 million to establish a fast-track remand court to speed up processing of young people on remand, and that commenced operation at the Melbourne Children's Court on 29 May of this year. Additional resources also went to staffing and resources at the Children's Court, Victoria Legal Aid and Victoria Police.

In addition, in relation to the youth control orders themselves more specifically, I indicated to the member that there is also additional funding for the implementation of youth control orders and additional funding for the Children's Court and for Victoria Legal Aid, as well as for the department itself in terms of recruiting more youth justice workers to implement both the youth control orders as well as the intensive bail supervision program being implemented as part of this package of reforms. Obviously we will continue to talk to the Children's Court about their particular needs going forward. The Attorney-General has very regular discussions with the court, as do I, and obviously we will be continuing to have a dialogue with the court. We have provided additional resources to the court in relation to this particular reform.

Ms SPRINGLE — This is pertaining to the non-accountable parental undertakings as part of the youth control orders. My question is: given that so many young people in the youth justice system have had experiences in child protection, including in long-term foster care, how will the increase in family members' accountability for ensuring their child complies with the youth control orders actually work in practice and how will families undertake certain measures or be able to support compliance?

Ms MIKAKOS — I thank the member for her question. Clause 13 inserts a new section 409 into the Children, Youth and Families Act 2005. It provides the court with the ability to order a child's parent to provide an undertaking to support the child to comply with the youth control order. The undertaking is not enforceable because if parents were punished for failure to comply, this may increase hardship for families already in crisis and increase the risk of a child reoffending. The Secretary of the Department of Health and Human Services is excluded from the definition of 'parent' in the act so will not be captured by this provision.

The point I would make to the member is that, yes, we are well aware of the types of circumstances and backgrounds of young people coming into our youth justice system, but it has been changing in recent years. I have talked about this in the house before. If you have a look at the Youth Parole Board data around these

matters, published in their annual report every year, it is not the case that all young people come from a child protection background. In fact increasingly there are young people committing some very serious violent offences who have no history at all with the child protection or out-of-home care system, and we need to be mindful of those issues as well. I accept the point that the member makes — that some of these young people may not have very strong family networks around them. That is a very sad thing to see.

When I have attended Youth Parole Board meetings I have actually been really heartened when I have seen a parent present because I know that that additional support from family probably increases the opportunities for the young person to turn their life around. What we want to encourage, through this particular provision, is the engagement of families and parents more in their child's circumstances, because if they do have that appropriate support provided to them, they are more likely to be successful in complying with all the conditions of the youth control order. So I can be really clear about this: this is not designed to be punitive of parents. This is designed to engage parents in the welfare and the future of their children and to make sure that they can be part of the process of turning their child's life around.

Ms SPRINGLE — I think you said initially that it is not enforceable, so would that be the key element in that?

Ms MIKAKOS — Yes.

Ms SPRINGLE — Thank you.

Clause agreed to; clauses 14 to 20 agreed to.

Clause 21

Ms SPRINGLE — My question pertains to the exceptional circumstances in this clause. It would be really useful if the minister could give me some examples of what is meant by 'exceptional circumstances' which may apply. For example, would it be intellectual disability, mental illness, homelessness, drug dependence or something like that? Also, is there a definition of 'exceptional circumstances' or is it left to the discretion of the court?

Ms MIKAKOS — I thank the member for her question. The expression 'exceptional circumstances' is not defined in the bill. I make the point to the member that that expression is used in the act currently. It is a concept that the court would be familiar with in terms of the types of circumstances that it would regard as falling within those exceptional circumstances. Certainly the types of examples that the member gave could well fall within the scope of exceptional circumstances.

Ms SPRINGLE — Can I just inquire about the evidence base on which the government wants to, seemingly, limit dual-track sentencing options according to offence type as opposed to according to an assessment of a young person and what is driving him or her to offend?

Ms MIKAKOS — I thank the member for her question. I make the point to the member, firstly, that the dual-track system has been in place in Victoria for a very, very long time — decades in fact — and I am pretty sure it goes back to the 1950s. That would be my recollection in terms of its duration. The dual-track system allows adult courts in certain circumstances to sentence young offenders aged 18 to 20 to serve a custodial sentence in a youth detention facility rather than an adult prison. It has really been designed to protect young offenders with good prospects of rehabilitation from entering the adult prison system at a young age, and it goes to issues around vulnerability.

However, the dual-track system was not designed for very serious or recidivist offenders. The bill will limit the ability for serious young offenders aged between 18 and 20 to be sentenced to a period of detention in a youth justice facility. Where an offender is convicted of a category A or category B offence, after having previously been convicted of a category A or B serious youth offence, the option of youth detention will no longer be available. Instead, if a custodial sentence is imposed, it must be served in an adult jail. The bill is proposing to limit the ability of serious youth offenders aged 18 to 21 to be sentenced to a period of detention in youth justice facilities. As I explained, in those particular circumstances of serious offending, it really is an issue of aligning with community expectations. We have seen young offenders sentenced to dual track who have committed quite serious offences, and I do not believe that that accords with community expectations in those circumstances.

Ms SPRINGLE — My understanding I suppose would be that dual track would not necessarily be deemed an option for those serious offences.

Ms MIKAKOS — It is currently the case. We have had young people who have been sentenced to dual track who have served a period of detention in what is a low-security setting at the moment at Malmsbury. The difficulty under the current legislation has been the difficulty for our youth justice system to adequately manage those young offenders in those circumstances,

because there are no other options available in terms of where they might be placed. I think it is appropriate to reflect community expectations around violent serious offending, and unfortunately, as I have explained, the types of young people that we have seen more recently have changed. The very violent offending that they have been involved in is of concern to the government, as it is to the community. This is why we are responding accordingly.

It is also important that our youth justice system is adequately equipped to be able to manage these young offenders whilst they are incarcerated. The system of dual track was really set up historically with a different type of young offender in mind. Because of the changes we have seen in youth offending in recent years, the legislation really has not kept up with the type of offending. This is why we are making these changes. The dual-track system will continue to exist of course, but it will exclude certain types of offenders in future through this particular change.

Ms SPRINGLE — I am going to ask this question just so I am clear, because perhaps I have a misunderstanding of how this works. My understanding is that when a young offender is sentenced they actually do go into the adult criminal justice system first, then the dual-track system is enacted after they have been incarcerated and they are transferred to a youth detention centre. Is that not currently the case?

Ms MIKAKOS — I just want to explain to the member that it is possible that the scenario that she has just given could occur, and the transfer could then take place subsequently to a youth justice centre, but it is also possible that the court could sentence a young person to dual track and they would be serving their sentence in a youth justice facility from day one. Either of those scenarios is possible under the current act at the moment. What we are seeking to do here is to exclude very serious offenders from being able to serve their time of custody in a youth justice facility.

Clause agreed to; clauses 22 to 64 agreed to.

Part heading preceding new clause

Ms MIKAKOS — I move:

1. Page 80, before line 1, insert the following heading—

"**Part 11 — Amendments relating to review of Act**".

I did foreshadow two house amendments much earlier. Hopefully members have had some time now to consider them. In essence this amendment and amendment 2 seek to enshrine in the act a requirement that there be a review mechanism for these legislative changes into the future.

The starting point in relation to this issue is to put on the record that as a government we have just completed a very wide reaching review. It was a root and branch review of the entire system conducted by Professor Jim Ogloff and Penny Armytage, two very knowledgeable and experienced individuals. I thank them for their considerable amount of work undertaken over many, many months. They have produced a very extensive report that goes for more than 700 pages, and the government is currently in the process of implementing its recommendations. I will not go into all the details of that because I spoke about it earlier. I just make the point that already we have announced $50 million in funding to implement some of the priority recommendations in this particular report. Considerable work is underway to progress the recommendations of that particular report. I certainly commend that report to members but particularly to those who are involved with the parliamentary inquiry because I believe that a lot of work was done that effectively makes that inquiry process redundant.

Nevertheless, having said that, we as a government are always interested to ensure that legislation is effective and that it is achieving its policy aims over time. I want to put on the record that the government has had discussions with Ms Springle on behalf of the Greens party in relation to her desire to see a formal review mechanism into the future. It almost makes the parliamentary process a bit redundant yet again, I would make the point, because there will be another review mechanism coming in the future. Regardless, there will be an opportunity through this legislative provision to have a formal review mechanism put in place.

Amendment 2 creates a new part 5.9 in the Children, Youth and Families Act 2005. It contains a new section 492B, which requires the minister to review the effect of the amendments made by the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017. The review will determine whether the policy objectives of the act remain valid and whether the amendments remain appropriate to achieve those objectives. The review is to occur as soon as possible after the third anniversary of the commencement of all the provisions in the act. This will allow enough time following the commencement of the act to collect sufficient data for a robust review. The minister is then to report to Parliament on the review not later than the fourth anniversary of the commencement of all provisions in the act.

The review will consider the effects of the amendments made by the act, whether adverse or otherwise, on rates of offending and reoffending, incarceration of young people, community safety and the long-term wellbeing of children and young people in contact with the justice system. The review will further consider the operation of youth control orders; the operation of youth diversion strategies and programs; the operation of the dual-track system; the categorisation of certain offences as serious youth offences and the effect of this categorisation on decisions about bail, non-custodial sentences and the placement of young adults in youth justice centres; whether the incarceration of Aboriginal or Torres Strait Islander children and young people has increased or decreased as a proportion of the total incarcerated population of young people in Victoria following the enactment of the legislation; and whether any additional legislative, administrative or policy reform is necessary to improve the operation of Victoria's youth justice system.

I make the point to the member that in fact the provisions in the review clause that we are inserting into this bill are far more prescriptive in nature than the terms of reference of the parliamentary inquiry that we have underway at the moment. Anyway, I think it is an appropriate mechanism to put in place. I thank Ms Springle for the spirit in which she has engaged with the government in relation to this particular review mechanism. I think it has been a very constructive discussion.

I certainly would hope that those kinds of constructive discussions and dialogue could continue into the future, because if we are all serious about addressing young offending in our state and if we are serious about trying to rehabilitate young people in this state, then there needs to be some degree of working together on these issues. Sadly, I believe that to date there has not been any sense of cooperation around these issues. There has been a lot of politics around these issues, and I think it is important that we as legislators do fulfil our responsibilities to our communities — that is, to make sure that we can work together if possible to achieve important reforms. I commend the amendment to the committee, and I would certainly hope that all members would support it.

Ms SPRINGLE — I would also like to commend the amendment to the committee. I do thank the government for taking on board our suggestions. They have come directly from the sector. I do have a few issues with the idea that we are all trying to play politics with this issue, because that is certainly not the intent of the Greens. In fact we worked very closely with the sector the whole way through in our dealings with this issue, and we have stuck to our principles, I would suggest. I am not rising to my feet to have an argument about it. What I am very glad to see is that this is in the legislation. It is important. It is different, in my view, to the inquiry because there will be a review of exactly how the legislation will work on the ground. There is a lot of anxiety around this legislation in the sector. I think we really need to acknowledge that. This provides a vehicle so that they can express to the government their views on any unintended repercussions at the end of that three years to improve the system, and that is what we all want. So I do thank Ms Mikakos for agreeing to make the amendment to the legislation.

Ms CROZIER — I also rise to say that the opposition coalition will be supporting the amendment put by the government in relation to this review. Like Ms Springle I believe that the current inquiry that is being undertaken is a very important process. It is quite different from this. Despite the government thinking that this bill will be the panacea to solve all their woes within youth justice, it is necessary to review legislation. The opposition does have concerns about youth control orders, about the extent of serious offenders who will be out in the community and about whether the community will be safe. The minister has not answered the question and guaranteed that the community will be safe with these young offenders having greater options now available to them. That is why this review will be important. We have had concerns around the current non-custodial orders, and they could have been further enhanced rather than putting this further provision into the bill. We will see, and that is why the opposition will be supporting this review.

Amendment agreed to.

New clause

Ms MIKAKOS — I move:

2. Insert the following New Clause to follow clause 64 and the heading proposed by amendment number 1—

'A New Part 5.9 inserted

After Part 5.8 of Chapter 5 of the Principal Act **insert**—

"Part 5.9— Review of Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017

492B Review of Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017

(1) The Minister must undertake a review of the amendments made to this Act and other Acts

by the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** to determine whether the policy objectives of the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** remain valid and whether the amendments made by that Act remain appropriate to achieve those objectives.

(2) The review is to be undertaken as soon as possible after the third anniversary of the first day on which all the provisions of the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** have commenced.

(3) Without limiting the matters that the review may consider, the review must cover the following matters—

(a) the effects of the amendments made by the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017**, whether adverse or otherwise, on the following—

(i) rates of offending and re-offending;

(ii) incarceration of young people;

(iii) community safety;

(iv) the long-term well-being of children and young people in contact with the justice system;

(b) the operation of youth control orders;

(c) the operation of youth diversion strategies and programs;

(d) the operation of the system known as the dual track system;

(e) the categorisation of certain offences as serious youth offences, and the effect of this categorisation on decisions about bail, non-custodial sentences and the placement of young adults in youth justice centres;

(f) whether the incarceration of Aboriginal or Torres Strait Islander children and young people has increased or decreased as a proportion of the total incarcerated population of young people in Victoria since the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** received the Royal Assent;

(g) whether any additional legislative, administrative or policy reform is necessary to improve the operation of Victoria's youth justice system.

(4) The Minister must cause a report on the review to be laid before each House of the Parliament not later than 12 months after the third anniversary of the first day on which all the provisions of the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** have commenced.".'.

Essentially this is the substance of the proposed change that I spoke about before. The previous amendment was just a new heading, and the second amendment is really the substance and the heart of the amendments. I have already spoken about them at some length so I do not propose to do so again.

Amendment agreed to; new clause agreed to; clause 65 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

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

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

I thank members for their contributions during the course of the debate that has now gone over many, many sitting weeks.

Motion agreed to.

Read third time.

FIREFIGHTERS' PRESUMPTIVE RIGHTS COMPENSATION AND FIRE SERVICES LEGISLATION AMENDMENT (REFORM) BILL 2017

Second reading

Debate resumed from 8 June; motion of Ms PULFORD (Minister for Agriculture).

Mr O'DONOHUE (Eastern Victoria) — What a mess! What an absolute mess, because as members will recall, on 12 June last year the Premier said, 'This dispute is over, and I fixed it'. Here we are, after this bill has been in the house for months and months, and the government is frantically circulating amendments to the bill, frantically trying to get support from anyone they can talk to to try and get this bill passed — after months and months. After this whole bill was thought up in the office of the Premier or the Department of Premier and Cabinet, here we are with the government

frantically trying to reinvent the wheel, restart the process, trying to get this deal done and get this bill through.

If you listen to the members of the government and some others out there in the community, they say this is all about the nasty Liberals playing politics with fire services. So I thought I would start by quoting extensively from an opinion piece from a former minister for emergency services. It is an opinion piece that was published in the *Herald Sun* of 6 June 2016 not by the Liberal minister at the time but by former Labor minister for emergency services, Andre Haermeyer. He said in this opinion piece:

> The CFA is made up of more than 37 000 active, professionally trained volunteer firefighters and another 20 000 volunteers in supplementary firefighting and support roles.
>
> Over recent years it has also taken on an increasing number of paid, career firefighters, now numbering up to 900, to support its volunteer base in high workload areas. As well as serving rural Victoria, the CFA also serves outer urban Melbourne.
>
> The 15 000 volunteers it has in metropolitan Melbourne represent most of the CFA's most highly trained and motivated firelighters.
>
> On bad fire days, and during catastrophic events like Black Saturday, these volunteer firefighters in Melbourne's outer suburbs provide a powerful and highly mobile force of strike teams capable of being dispatched anywhere in Victoria to support local brigades in rural areas, as well as protecting lives and property on the outer-urban fringe.
>
> Without them we'd have had a great many more Black Saturdays.

It is a very poignant, clear, strong point that has yet to be appropriately addressed by the government in this restructure that they are proposing. Let me say it again: 'Without them we'd have had a great many more Black Saturdays'. Sobering words to consider from the former Labor emergency services minister.

He goes on to say:

> Full-time career firefighters work in a sometimes dangerous and hazardous occupation. They deserve the support of a union that resolutely advocates for their workplace safety as well as fair pay and conditions.
>
> Meanwhile, the volunteers work in similarly dangerous and hazardous conditions for no pay. They do it out of a commitment to their community. The volunteers ask for little more than respect for the critical role they serve and the professionalism, training and experience they bring to the role.

I put it to you, Acting President, that the government absolutely show the volunteers no respect. In fact they kick sand in the faces of Country Fire Authority (CFA) volunteers by developing this whole plan, this whole legislation, out of the Department of Premier and Cabinet or the Premier's office, with no consultation and no engagement, for nothing more than what many have described as a political fix.

Mr Haermeyer went on to say:

> For the jobs they are dispatched to, CFA volunteers are trained to comparable standards as those of their paid counterparts.

Mr Leane interjected.

Mr O'DONOHUE — Mr Leane, I am just quoting from Andre Haermeyer's opinion piece.

Mr Leane interjected.

Mr O'DONOHUE — I am happy to take up Mr Leane's interjection, Acting President, but I am merely citing the opinion piece from Andre Haermeyer, a former Labor minister for emergency services, who said:

> For the jobs they are dispatched to, CFA volunteers are trained to comparable standards as those of their paid counterparts.

Honourable members interjecting.

Mr O'DONOHUE — I note many government members are saying, 'No, they're not'. Again, it is further disrespect to the volunteers. He continued:

> With bush and grass fires they are generally more experienced than most career firefighters.
>
> Some work that was done for the Emergency Services Commissioner around 2003–04 revealed that for call-outs in outer-urban areas of Melbourne, high-performing CFA volunteer brigades performed to at least the same standards as many career brigades.

He went on to say:

> The UFU, which represents paid firefighters, has been a very passionate and effective advocate for its members. But its attitude to volunteers has often been dismissive. Many of its demands in its current dispute with the CFA are Trojan horses that would sideline CFA volunteers and undermine their interests, with little or no real benefit for the paid firefighters the UFU represents.
>
> It would also undermine the operational authority of the CFA's chief officer and operational commanders as well as compromise the fiduciary responsibilities of the CFA's board under the Country Fire Authority Act —

and we will get to that point in due course.

> Full-time paid firefighters deserve to have their safety and interests protected, but so do volunteers.
>
> The volunteers are the CFA.
>
> Volunteers are 97 per cent of the CFA's workforce and it would be nothing without them.

He went on to conclude:

> I faced a similar situation as Minister for Police and Emergency Services in 2000. It was not until I offered my resignation to the then Premier that I was able to get people's undivided attention to what was at stake, that a perilous situation was averted and the CFA volunteers were backed with additional support and resources.
>
> Those who would put at risk the CFA's massive volunteer base are literally playing with fire.

A sobering way to set the context for this debate is to quote extensively from the words of a former Labor emergency services minister and his take on these reforms that were cooked up in the Premier's office without any consultation with anyone involved in the CFA.

Moving to the bill —

Mr Dalidakis — Your side weren't so complimentary about Andre when he was a minister. Do you want me to read to you what you used to say about him?

Mr O'DONOHUE — Sure. Go ahead.

The ACTING PRESIDENT (**Mr Morris**) — Thank you, Mr Dalidakis. Mr O'Donohue to continue.

Mr O'DONOHUE — Let me move to the bill. The bill provides for a rebuttable presumption that, for the purposes of claiming compensation under the Workplace Injury Rehabilitation and Compensation Act 2013, specified forms of cancer suffered by career and volunteer firefighters are due to the nature of their employment or service. The rebuttable presumption applies to diseases that occur on or after 1 June 2016 during a period in which the worker is employed or provides a service as a firefighter or within 10 years after that time; or within a specified qualifying period prior to that time; or the disease occurred outside the qualifying period but the worker attended a unique and exceptional exposure event in a firefighting capacity. A disease is taken to have occurred on the earliest of the day on which the worker is first diagnosed or the day on which the worker dies by reason of the disease.

This is an element of the bill that I note the parliamentary inquiry suggested — that is, that the bill should be split into two and that this issue of presumptive rights should be addressed separately. I believe if it was addressed separately in a separate piece of legislation, as the parliamentary inquiry has recommended, then it would enjoy the support of this place and indeed of the other place. Speaking from the opposition's perspective as the shadow minister, the member for Gembrook in the other place and others have made very clear that we support this reform in the interests of firefighter safety.

I think it is most regrettable that this important reform has been put with a range of other reforms that are unrelated. Making this part of a package is a cheap political move for what is a very serious issue that could enjoy, and should enjoy, the full support of this house if dealt with as a separate discrete piece of legislation, as the parliamentary inquiry has recommended.

Moving to the other elements of the bill, it amends the Metropolitan Fire Brigades Act 1958 to establish a new statutory authority to be called Fire Rescue Victoria (FRV), which will assume the existing functions and responsibilities of the Metropolitan Fire Brigade (MFB) as well as responsibility for the CFA's 35 integrated stations.

The bill also seeks to establish the office of the fire rescue commissioner, which will have operational and management responsibility for FRV, and it amends the metropolitan fire district to the effect that the FRV will have responsibility for the prevention and suppression of fire in Victoria's major cities and towns covering what is presently the responsibility of the MFB and the areas for which the CFA's 35 integrated stations are presently responsible.

The bill states that the CFA will be a volunteer-based organisation with responsibility for the prevention and suppression of fire in areas such as private land in rural Victoria which is not serviced by FRV or the Department of Environment, Land, Water and Planning.

The bill also seeks to establish a strategic advisory committee to provide strategic advice to the fire rescue commissioner on organisational matters and seeks to establish the Fire District Review Panel to review the geographical scope of the metropolitan fire district and provide advice to the minister.

That is a summary of the key elements of the bill. I think that along with the context from Mr Haermeyer it is also worth going through some of the history that has got us to this place in early September 2017.

After the election of the Andrews government, on 5 March 2015 the United Firefighters Union (UFU) presented the CFA with a copy of their proposed enterprise bargaining agreement (EBA), including a range of flaws — including veto management and other issues. On 16 February 2016, nearly a year later, negotiations between the UFU and the state government broke down and the UFU walked out of the Fair Work Commission. Shortly thereafter, in April, the divisions within cabinet became apparent, with cabinet divided over the UFU's EBA —

Mr Dalidakis — Says who?

Mr O'DONOHUE — with Daniel Andrews.

Mr Dalidakis — Says who? Last time I looked you hadn't sat in cabinet with us. Who says you do have information?

Mr O'DONOHUE — I am happy to take up the minister's interjection. How did I get the information? Well, it was leaked. Cabinet leaks like a sieve. You know those colanders you pour your spaghetti into and the water drips out? That is what cabinet is like. Particularly at that time, Minister Dalidakis, cabinet was leaking like a sieve.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Morris**) — Thank you, members. Mr O'Donohue to continue.

Mr O'DONOHUE — I know the minister is extremely sensitive about this issue and members of the government are extremely sensitive about this issue, when —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Morris**) — Thank you, members. As we are all aware, interjections are disorderly. Mr O'Donohue is making his contribution. I note that there are several members from all parts of this chamber who are going to speak on this bill, and I would encourage them to make their contributions whilst they are on their feet. Mr O'Donohue to continue.

Mr O'DONOHUE — Thank you, Acting President. As I was saying, cabinet at that time was leaking like a sieve — like a colander, where the water flows out the bottom — and it became apparent from those multiple leaks that cabinet was increasingly divided over the EBA arrangements. In April 2016 the CFA board met for crisis meetings and decided to defer their decision on making a deal. There became an increasing split between Daniel Andrews, with his support for the UFU and its plans, and the CFA board, which remained resolute about not signing the EBA. On 5 June 2016 thousands of CFA volunteers converged on Parliament House to rally against Daniel Andrews's deal to allow the UFU takeover of the CFA. At about the same time the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) ruled that up to 12 clauses in the deal could be discriminatory against women, parents, carers and people with disabilities, an issue that is yet to be appropriately addressed. On 6 June 2016 the CFA board formally rejected the EBA deal, and the Premier backed down from sacking the Minister for Emergency Services, Minister Garrett.

On 9 June 2016 the Minister for Industrial Relations, Natalie Hutchins, used that famous phrase — that term I first heard after Hillary Clinton said she was under sniper fire in Eastern Europe — 'I misspoke'. We all know what 'misspoke' really means. Minister Hutchins went into Parliament and claimed that the Fair Work president informed her that the EBA would improve diversity. It was only after the Fair Work president denied that conversation that she said she misspoke. We all know what 'misspoke' means in this context. It was an embarrassing incident for the minister, and it was most regrettable that she sought to misrepresent a conversation that she had had with the Fair Work president. The next day Minister Garrett was forced to resign following a crisis cabinet meeting. Then of course the Deputy Premier was appointed Minister for Emergency Services.

Then the Premier said — who could forget that statement, which I referred to in my introduction — that the dispute was over and 'I fixed it'. That was on 12 June 2016. Here we are, a year and a quarter later. The dispute is not over. He has fixed nothing; in fact he has made the situation much, much worse. If only he had listened, consulted and worked in the interests of Victorians, maybe this dispute could have been fixed, but unfortunately it has not.

Then on 17 June the Premier's chosen CEO of the CFA, the highly respected former senior Victoria Police officer, Lucinda Nolan, offered her resignation to the minister.

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Morris**) — Thank you, members. I note that this is a very contentious bill and that there is a lot to be said, but

when a speaker is unable to make their contribution due to the interjections of others around the chamber, it does make it quite disorderly. I would ask that members refrain from interjecting and make their contributions in their allotted times. I ask Mr O'Donohue to continue.

Mr O'DONOHUE — I think I was talking about the day when the highly respected former Victoria Police member Lucinda Nolan, who had been personally hand-picked by the Premier, was forced to tender her resignation because of the untenable situation that the Premier had put her in following the ultimatum and following the sacking of Jane Garrett.

Moving forward, on 1 August a United Firefighters Union bulletin asked members not to participate in the independent review of the Victorian Equal Opportunity and Human Rights Commission, which was to examine discrimination, including bullying and sexual harassment in the CFA and MFB. You have to ask yourself, 'Why?'. Why would the UFU not encourage its members to participate in an independent review by VEOHRC? The former Chief Commissioner of Police, Ken Lay, initiated a review of such alleged practices in Victoria Police and that led to significant cultural change. Why would the UFU not support and encourage this important review, rather than seek to shut it down and tell its members not to participate in it? Those opposite, the great champions of equality and diversity —

Mr O'Sullivan interjected.

Mr O'DONOHUE — What did they do, Mr O'Sullivan? Did they stand on the steps of Parliament and say, 'This is an outrage. This is a disgrace'? Did they stand up to Peter Marshall and the UFU and say, 'This is disgraceful behaviour'? No. The silence of those opposite was deafening and remains deafening.

Honourable members interjecting.

Mr O'DONOHUE — I look forward to hearing the contribution of the former adviser to the former Minister for Emergency Services. I am sure he will have much to say about this in due course, noting his role in it and his support for the former minister. I think his contribution to debate on this bill will be exceedingly interesting. Will he toe the party line? Will he just do what Daniel Andrews tells him to do or will he be loyal to his former boss, the former minister, who had the courage to stand up to the Premier? Will he have the courage to stand up as well and do what is right when it comes to this important piece of legislation? I look forward to his contribution with much anticipation. It will be the first real test of this new member in this place and I look forward to hearing what he has to say about this bill and about his former boss, who enjoys widespread support across the chamber and across the Parliament for having the courage of her convictions and standing up to bullying behaviour and for what is right. The question is: will he have the courage that his former boss showed and will he have the courage of his convictions or will he just toe the party line and do what Daniel Andrews tells him to do? Time will tell.

Honourable members interjecting.

Mr O'DONOHUE — Minister Dalidakis, I am looking forward to that contribution. But I have much more to say about this important legislation, because this deals with so many serious and important issues.

Moving along, on 3 August 2016 the former CFA chair, John Peberdy, revealed that the former CFA board was bullied and coerced by Minister Merlino in an attempt to have the EBA signed. On 17 August 2016 Volunteer Fire Brigades Victoria (VFBV) obtained a Supreme Court injunction to delay the signing of the EBA in order to allow the court to investigate the legality of the agreement and the issues contained therein.

I move forward to September 2016, just around a year ago. On 23 September last year the MFB chief officer, Peter Rau — a highly respected, highly regarded officer — resigned. Three days later, on 26 September, the Minister for Police, Lisa Neville, informed the media that Peter Rau resigned due to health reasons. Do members remember that? She said, 'Oh, he's sick. He's resigned due to health reasons'. Then the truth comes out in an email exchange between Mr Rau's wife, Tracey, on radio 3AW, which informed us that:

> The main reason my husband has had to resign is due to stress as a result of bullying by the UFU and the current situation with the EBA.

What do those opposite say about this alleged bullying behaviour — the great champions of diversity, respect and equality? What do they say? They said exactly what they said last time — nothing. They said absolutely nothing. What a disgrace. Ms Rau went on to say:

> The culture in the MFB for a long time has allowed management to be treated this way and my husband is not the only victim of such behaviour.

As members would recall, Minister Neville was forced to apologise for misconstruing — perhaps a kind way

of putting it — the details. She was forced to issue a humiliating apology after getting it so wrong.

On 9 October 2016 the MFB deputy chief officer, David Youssef, resigned in the midst of the ongoing EBA dispute and with allegations of bullying rife in MFB management. On 13 October 2016 it was revealed that more senior MFB figures were on indefinite leave as allegations of union bullying continued. On 17 October 2016 the UFU announced they were going to challenge the federal government's Fair Work amendments in the High Court of Australia. On 19 October 2016 — this was very distressing to a number of CFA volunteers in my electorate that I spoke to at that time — a Facebook page was set up advocating that the public boycott small businesses that publicly supported volunteer firefighters. Who would do such a thing? Who would set up a Facebook page advocating that the public boycott small businesses that publicly supported volunteer firefighters?

Honourable members interjecting.

Mr O'DONOHUE — I recall receiving very distressing phone calls from hardworking, dedicated volunteers in part of the electorate I represent that I share with the Deputy Premier and Minister for Emergency Services. They were shocked at such a callous, nasty critique of hardworking, dedicated volunteers. Then on 7 December last year the Country Fire Authority Amendment (Protecting Volunteer Firefighters) Bill 2016 was introduced in the Council to protect the role of volunteer firefighters as set out in the volunteer charter. On 12 December last year the UFU blocked the release of the review into the mental health of MFB firefighters, and two days later elements of that report that were leaked to the media indicated that bullying, sexism and drug issues had been found to be linked to mental health issues in the MFB.

On 31 January this year the Productivity Commission *Report on Government Services*, the RoGS report, revealed that the number of CFA volunteers in Victoria had dropped significantly under Daniel Andrews. It showed that since Daniel Andrews became Premier the number of operational volunteers plunged by 6.9 per, from 38 048 in June 2014 to 35 585 in 2016. On 27 April this year it was revealed that the VEOHRC report uncovered firefighter sexism and bullying claims. That has been reported. On 19 May we had an announcement about this legislation.

Shortly thereafter we had the first anniversary of Daniel Andrews saying he had ended the CFA dispute, but regrettably it is still going on. On 21 June this bill was sent to a select committee for inquiry and I will have more to say about the findings of that committee shortly. On 7 June the MFB CEO, Jim Higgins, announced his departure, and on 1 August the MFB chief officer, Paul Stacchino, announced his resignation. That is some context to the background to the bill.

I congratulate the select committee for perhaps doing some of the work that the government should have done. I think the select committee report demonstrates, as the report on the inquiry into the lease of the port of Melbourne shows, that the select committee process can have an important role in scrutinising government legislation in a way that one does not have the opportunity for during the committee stage of a bill. In the committee stage of a bill you get to inquire and ask questions about specific clauses, but the ability to call evidence from experts and to give detailed consideration to issues and to the impact of proposed legislative change really only comes from a select committee process.

What the select committee process found with this legislation is illuminating, and many of those findings and much of the evidence has given a much better understanding of some of the impacts of some of these reforms. To quote from some of the evidence that came out, Adam Barnett from the VFBV said:

> The fire services levy is a per capita type thing of each person paying a contribution. Once you move to a model which starts cherrypicking highly dense, highly urbanised areas that are the population centres of Victoria … once you start redistributing and moving to a different model which is now going to move into provincial cities, large urban centres, those high-density populations actually get taken out of the current contribution to CFA.

Splitting paid and volunteer firefighters into separate agencies will result in an increase in and an uneven distribution of the fire services levy, meaning there will be an uneven distribution between FRV and the CFA. The CFA would be stripped of $247 million in fire services property levies if the government puts its 35 integrated stations under the control of a new career-only body, the FRV.

The district boundaries are not changing, meaning there will be fire services property levy hikes for residents now funding a bigger and more expensive Metropolitan Fire Brigade. Those who remain in country areas will be facing increased hikes to pay for the investment in new assets to replace those given by the FRV.

In relation to surge capacity, to quote the report:

> VFBV believed the reforms would disenfranchise volunteers, leading to fewer members and affecting surge capacity.

John Seymour, state councillor of VFBV district 23, said:

> … surge capacity comes a lot from the outer metro as well as from the regional, and there is ambiguity as to how it will affect integrated brigades in metro and outer metro Melbourne, and the neighbouring brigades will also be affected because we do not know what the turnout arrangements will be. So if those people are not feeling valued and respected and drop off and the volunteers at the integrated brigades who put a lot of time into training to get the increments on the type 4 pumpers are no longer able to crew those pumpers because they are now an FRV vehicle, if they drift off because they are not feeling valued or respected for the skills they have picked up, then when we have fires like we had in 2006–07, we will not have that big pool of people to come out to us.

If you had to summarise that point, that is really what Andre Haermeyer was saying. The issue of surge capacity is a very serious one.

So what did the committee find? The first finding was:

> The restructure of the Country Fire Authority and the Metropolitan Fire Brigade as proposed in the bill was not included among the recommendations of the fire services reviews undertaken over the last decade.

This is the point that the minister has made, and the Premier has sought to somehow connect these reforms that are before the house today to the numerous reviews that have taken place into the CFA and MFB in recent times. The first finding of the committee is that the restructure of the CFA and the MFB as proposed in the bill was not included among the recommendations of the fire services reviews undertaken over the last decade. As I referred to earlier, perhaps that is because this reform was conceived and developed without consultation in the Premier's office, and we can only speculate as to the reasons why.

The second finding is:

> The policy development process for the restructure did not involve representatives from Emergency Management Victoria —

and I think Craig Lapsley gave evidence to this effect —

> the Country Fire Authority or the Metropolitan Fire Brigade.

The third finding is:

> The government's failure to consult with the Volunteer Fire Brigades Victoria as required by the volunteer charter and the Country Fire Authority Act 1958 has caused considerable concern to Country Fire Authority volunteers, reinforced the perception of a bias towards the United Firefighters Union, and undermined confidence in the restructure proposal.

I can say that I have taken phone calls from volunteers in my electorate of eastern Victoria today, this morning, about this issue. They are concerned about this legislation and what may happen, and the point that is consistently made to me, including as late as this morning, is that there was no consultation and no engagement process in the development of this legislation and this proposed reform. To highlight the way this reform was developed in secret in the Premier's office I refer to finding 4:

> The government's original written submission to the committee contained substantial errors relating to its claimed level of consultation. Its failure to acknowledge and correct those errors until prompted by the committee undermines confidence in the claimed consultation process.

Finding 5 states:

> The government's failure to undertake implementation planning in parallel with developing the restructure proposal has caused substantial and unnecessary uncertainty in the community as to the impact of the proposed changes on the fire services.

I note in reading the government's response — which was tabled just this morning, so it has only been with members for just a few hours — that it fails to deal with this issue. The government's response talks about implementation plans and consultation to come. They have had months and months since this bill was referred to the committee. The committee then undertook their work. If the government genuinely believed it was in the interests of the community why did they not get on and do the detailed implementation work that is required?

Moving on to finding 8, the committee found that:

> The impact of the restructure on firefighting surge capacity is disputed —

by the committee —

> and will not be known until after the restructure is bedded down. It is important that surge capacity is not diminished through changes to the fire services.

This is a most important recommendation and again something which volunteer firefighters on the fringes of Melbourne, which forms part of my electorate, have constantly raised with me as a significant concern.

Returning to the Victorian Equal Opportunity and Human Rights Commission and finding 10, it states:

> The government's claim of executive privilege over the Victorian Equal Opportunity and Human Rights Commission report is inconsistent with the commission's stated intention of publicly releasing its report in mid-2017.
>
> The committee regards the changing explanations provided by the Victorian Equal Opportunity and Human Rights commissioner for her failure to comply with the summons, along with the government's claim of executive privilege as designed to frustrate the committee's inquiry.

Why would this report not be released? Why would the government not want it released? Why would the commissioner not release it? This is a matter of important and significant public interest. The details that have emerged from this process raise serious questions about the culture and the way female firefighters in particular are treated. Why would this not be released? Why would the summons from the committee not be complied with? These are very serious issues. Very serious allegations have reportedly been made. At a time when such significant reform is proposed to the firefighting architecture of Victoria why would such a seminal report not be released? Why would the Greens not be calling for the release of this report?

Mr Dalidakis — We are still waiting for you to release the east–west business case.

Mr O'DONOHUE — I am happy to take up the interjection.

Mr Dalidakis interjected.

The ACTING PRESIDENT (**Mr Morris**) — Order! Mr Dalidakis, thank you.

Mr O'DONOHUE — I am happy to take up the interjection. We have had Minister Tierney claim executive privilege not to release the Brighton siege reports.

Mr Dalidakis — Here we go.

Mr O'DONOHUE — I am taking up the interjection of the minister, who is inciting me.

Mr Dalidakis interjected.

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

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Morris**) — Order! Thank you. Minister, Mr O'Donohue is making his contribution —

Honourable members interjecting.

The ACTING PRESIDENT (**Mr Morris**) — I am on my feet. The incessant interjections are making it very difficult for Mr O'Donohue to make his contribution. Could you please cease interjecting. You will have a chance to make a contribution later in the debate.

Mr O'DONOHUE — Thank you, Acting President. I look forward to the minister's contribution, but not as much as I look forward to the contribution from the former adviser to the former Minister for Emergency Services. I think that will be one to mark in the diary.

The committee made 10 recommendations related to the findings I have just detailed to the house. In the time that I have had to review the government's response to those important recommendations I have found key recommendations the government refuses to accept. For example, there is recommendation 6, which states:

> Due to the lack of implementation, operational and funding certainty; failure to undertake consultation; and consequential polarisation of fire services volunteers and staff, the bill should be withdrawn. If not withdrawn, the Legislative Council should reject the bill.

It is disappointing that the government is not supporting that recommendation.

Recommendation 7 says:

> Part 2 of the bill, 'Firefighters' Presumptive Rights Compensation' should be reintroduced to Parliament as a standalone bill to be considered on its merits.

Again, this is unfortunately not supported. I note that there was a motion moved this morning to seek to implement an intent on that recommendation, and if we get to that point, I look forward to discussing that in much greater detail.

A range of issues around staffing and secondment, which is again a major issue under these very complex arrangements that are proposed by this legislation, are only supported in principle, with the detail about how that recommendation could be implemented not provided.

As I said, there are a range of responses — for example, on page 7 in relation to the financial sustainability of the CFA, there is a 'Trust us' approach. It states:

> The government will address concerns that CFA funding will be reduced or affected by those reforms.

How? It just says they will address them. Oh, really? Just like the Premier brought the dispute to an end in June last year! Is that what he is saying — 'Trust us'? Just like he fixed the dispute last year! 'Trust us. We'll address the concerns of CFA funding'.

The government continues in its response on page 7 —

Honourable members interjecting.

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

Mr O'DONOHUE — I am looking forward to that contribution from Minister Garrett's former adviser in this space. It will be really interesting to see whether the member does what Ms Garrett did and shows strength and courage or whether he does what Daniel Andrews tells him to do. That will be a very interesting test of the new member, and I look forward to hearing what he does. We all have tests in this place, and it will be interesting to see what this person does.

The government's response on page 7 goes on to say:

> The government will consider how to address concerns that the FSPL will increase as a result of the reforms …

'The government will consider how to address concerns'; that is the best they have got after tabling this legislation earlier this year. With this issue ongoing since the election of the Andrews government and weeks after the select committee tabled their response, the best the government can come up with in tabling their response today is that they will consider how to address these concerns. That is just insulting; it is a joke and it is insulting.

How could they not have come back with a proper solution when they have had all the resources of government at their disposal and when they have had all the resources that the Deputy Premier can muster? They have yet to come up with a proper solution to this very important issue identified by the select committee, and we are just supposed to say, 'Okay'. The government's weak, pathetic response that they will consider how to address these concerns is simply not good enough. Where is the certainty in that? Where is the certainty of future funding for the fire services property levy? How can the community have any confidence with this government's track record on this issue that that issue will be addressed?

Then there is the government's response to workplace culture and industrial relations, which I have canvassed in some detail. The government's own words state:

> The government agrees that further development and clarity regarding workforce initiatives outlined in the fire services statement is required. The government will work to provide further clarity on issues raised with the proposed secondment arrangements …

They are going to work to provide further clarity. If that is not bureaucratic mumbo jumbo with no certainty or guarantee about anything, I do not know what is. This is after having the committee's report for weeks and weeks and weeks. This is after this issue around the secondment of staff back from the CFA being a serious issue. The best the government can come up with, the best Deputy Premier can come up with — with all the resources that the Deputy Premier brings to the table — is that the government agrees that this is a problem and that they will work to provide further clarity on these issues.

That is, frankly, simply not good enough — simply not good enough. These important recommendations were drawn from feedback from around Victoria. The committee, led by Mr Rich-Phillips, went around Victoria, took evidence from all the key stakeholders in a very serious, proper and informed way and came up with these recommendations, and the best the government of Victoria can come up with as a response is that they will look at it in the future some time — 'We will give it a look at some time in the future; trust us'. That is simply not good enough.

Then I move to the amendments moved by the government. I would be the first to say that we all at times can be slow in presenting amendments to each other and that sometimes that process could be improved, and of course that can be an issue. But for such a serious issue that has caused so many issues in the community, for the amendments from the government to come yesterday for us to debate today again puts us in a very difficult position. I am not sure whether the shadow minister, Mr Battin, the member for Gembrook in the other place, has had the time to engage in fulsome consultation with those impacted by these amendments.

It is symptomatic again of the lack of consultation with the key stakeholders. The government's submission to the committee contained a ream of errors that it refused to address until requested to do so by the committee. The bill itself was concocted in private in the Premier's office. Here we are at the 11th hour with the bill to be debated after it has been on the notice paper for debate week after week after week. There are major or significant amendments that are being proposed, but unfortunately these amendments fail to address the

recommendations in the report and fail to address critical issues identified in the report.

I will listen with much interest to government members who talk about these amendments, but the inclination of the opposition is to oppose them because they do not deal with the very serious issues that are raised in this important committee report. They do not address the recommendations that need to be implemented, and frankly, if I was the Deputy Premier, I would be embarrassed. I would be embarrassed.

Mr Dalidakis interjected.

Mr O'DONOHUE — I would be embarrassed with his response to these important recommendations that the concerns will be addressed at some time, without any clarity about when, how or what the process for those addressing those concerns will be. Considering how to address issues is not a response that anyone in the community can have confidence in. The government agreeing that further development and clarity regarding workforce initiatives is required is really an admission of failure, because these are issues that should have been dealt with in the original bill. They could have been dealt with through the response. They could have been dealt with at any time between the introduction of the bill in the other place and today, yet they have not been.

It makes it very difficult for the coalition to support this bill. Indeed we are unable to support this bill. We think the recommendations of the select committee have much merit, and it is a pity that the government did not accept those recommendations in a way that they should have. I congratulate the members of the committee on their report, and as I said earlier this report shows the benefit that this process can have in properly scrutinising and reviewing government legislation or indeed any legislation that comes before this place to get proper perspectives from experts and from those affected, including key stakeholders. This has been a very important process, particularly when that process was not followed by the government itself.

We want to support firefighters. We want firefighters to be in a position where they are supported and where they can do what they do so well to the best of their abilities with the support they need. We are just so lucky to have such dedicated firefighters who put themselves at risk in the interests of the community.

I must say in the years after I was initially elected to this place in November 2006 it seemed that every year the electorate of Eastern Victoria Region, like many other regions, was impacted significantly by serious major fires. I think about the fires that have taken place around Arthurs Seat on the Mornington Peninsula, the Bunyip Ridge fire and the fires in Gippsland through Central Gippsland and East Gippsland. I represent the area around the Dandenong Ranges, and I am lucky to do so, but it is one of the most fire-prone districts in the world. We need to give our firefighters the support they need, the environment they need, the supportive culture they need and the resources they need, and we need to give them the legislative framework they need to work in the best possible way.

I am sad to say this bill before the house does not meet those objectives, which I hope we would all share. Again I urge the government to consider what they are doing. I understand the proposal today is for lead speakers only to talk on this bill. There is still time for the government to reconsider its position: to withdraw the bill as the committee recommended, to split it in the way the committee recommended and to proceed in a way that is in the interests of all Victorians — of firefighters and all communities that are so lucky to be protected and to have the services of firefighters. With those words, the opposition cannot support this legislation in its current form.

Ms HARTLAND (Western Metropolitan) — Before I start I would like to talk briefly about my experience of large-scale fires. Living in Footscray, I have experienced the Coode Island fire and the United Transport fire — fires that were horrendous and put my community at great risk, but there was always a firefighter there to make sure that our community was protected. That is why rather than going over all of the politics of the last two years I am instead going to talk about the evidence and the bill.

It is clear to everybody that the government did not handle this bill well. I believe they would have been better off having extensive consultation with senior emergency services personnel, the United Firefighters Union (UFU) and volunteers and their organisations to make sure that the bill would work and keep firefighters, both career and volunteers, and the community safe. The government unfortunately does not have a good record in the way it manages consultation, but neither did the previous government.

While it is quite clear that the government's consultation on this bill has been very poor, the question we must ask ourselves is: is this reform necessary? I believe that it is, and it was confirmed quite clearly to me by the evidence given to us at the Fire Services Bill Select Committee. The select committee revealed, obviously, that there is division

between career and volunteer firefighters, but not all, and that there is division amongst volunteers and volunteer organisations. We heard from volunteers who worked well with career firefighters and others who did not. We heard from volunteers who told us that they no longer worked in the towns that they lived in and who knew that they could not turn out in time to keep their community safe. The statement we heard repeatedly from firefighters was that they were sick of being used as a political football and they just wanted this to be over so that they could get on and do what they do best, and that is protecting their communities.

The evidence we received during the select committee hearings, especially from the chief fire officer Steve Warrington, Craig Lapsley and Greg Mullins, was compelling, and I intend to use most of my time today quoting from these people because they are the experts, not me. I would like to start with Mr Greg Mullins. To give a bit of background, I will start with his opening statement to the committee:

> … I will say some background on me, which I am sure you have. I have been a firefighter for 45 years. I joined as a volunteer in 1972 and, in 1978, became a career firefighter with what was then called the New South Wales Fire Brigades. I retired as commissioner; I spent almost 14 years as commissioner, which is both the CEO and chief officer, during a period of huge change within New South Wales fire services and emergency services generally, but particularly in Fire and Rescue New South Wales, in terms of culture, industrial relations — the whole gamut.
>
> …
>
> I would finish by saying something has to be done. I have looked with admiration at the Victorian fire services for decades, but I am very sad to see where it has gone. You have firefighters pitched against firefighters. The best armies in the world can lose wars if their morale is down, and I see firefighters' morale very low at the moment, and the status quo is not going to fix that. Something has to be done. This may not be the perfect fix, but nobody has put forward one that I can see that is any better. I hope this committee process will assist in bringing forward any improvements to the model or the process to reach that model. I do look forward to assisting to bring it in to land.

Mr Mullins went on to talk about consultation:

> … but I did say before that before you can consult, you actually have to have a model to consult on or you will get 35 000 different views on how things should be. Then you have hubris, and then nothing gets done; it stagnates. I would say that typifies the Victorian situation at the moment, from an outsider looking in.

He went on to say:

> Very significantly. It will improve things very significantly, I believe. You will have a single chain of command. It will be very clear. A serious incident, like the paper recycling fire recently —

at Coolaroo —

> which — I am not sure if you are aware, but you had resources here, I understand, from New South Wales, South Australia and ACT, as well as CFA and MFB. So that is complicated. You need to know exactly who is in charge. We have a national incident management system, AIIMS — Australasian Inter-Service Incident Management System. Every agency subscribes to that, but you actually need to know who is in charge without any confusion whatsoever.

During the inquiry we heard from a firefighter who was at the Coolaroo fire, and he talked about the fact that he was operating from three radios. He had never worked with the Metropolitan Fire Brigade (MFB) firefighters before, and while the fighting of that fire was very successful, he said it could have been so much easier if people had been working together.

In the hearing Mr Mullins went on to talk about radio systems:

> … they are safety systems. Firefighters can be killed or seriously injured doing the work they do. The men and women on the front line are just extraordinary people, and they need to have the systems and processes to back them up, as well as the equipment, to make sure that they can be safe. So if there is a breakdown in that command system or there is a lack of surety about who is in charge, people can lose their lives. The new model makes it very clear in urban areas of the state that the risks will be treated in a certain way. The command structure will be very clear. It will not stop urban CFA brigades staffed by volunteers responding to the fires they have always responded to. It will be very clear how that incident will be dealt with.

He went on to say:

> In October 2013 there were major bushfires in the Blue Mountains and around Sydney. The MFB sent 10 fire engines and crews, but they were not trained in bushfire fighting. That was fine, so they sat in Sydney fire stations and responded to structure fires, medical emergencies, car crashes and chemicals spills. They did a fantastic job. The CFA came in force. It released 10 of our fire trucks to go up the mountain, and our people are trained. The value of an integrated structure is that those MFB firefighters will now have the opportunity to work out in regional areas and be trained in bushfire fighting. It will enable CFA career firefighters to be trained in high-rise firefighting. They are taking on the emergency medical response model to give that same service bundle.

That seems very logical to me — that we would actually want our firefighters to work in that way.

We heard a lot during the inquiry, and we have heard a lot in the last few weeks, about surge capacity. Mr Mullins went on to say:

> I will probably upset some people by saying this, but I think that is a fallacy. Surge capacity is about your available resources and however many thousands of volunteers you have. What you lack at the moment is a surge capacity from MFB resources because they are not able to be used on bushfires to their full extent. That will improve under this model. No volunteer brigades will be closed down. You will have the same number of trucks, hopefully the same number of volunteers. In 1997 in New South Wales some volunteers did resign, but they were a very small proportion. We actually had — I think it was in 1997 — bad fires in Sutherland in Sydney. We needed strike teams from out of area, they came, and there had been talk about surge capacity.

He went on to talk about his experience:

> The difference, I suppose, in Victoria is that the CFA is far more mature than the bushfire brigades in New South Wales were in 1997. They had standardised equipment coming in, but the training was not standardised, or the uniforms, so over time people saw great improvements. What you have in Victoria is an outstanding — I will call it — rural fire service that deals with not just bushfires but house fires, chemical spills, road accident rescues, and the government is putting a lot of money in. I do not have to be political, and I am not political, but I am impressed with the amount of money that is going towards volunteer development programs. I have looked at the age profile of CFA volunteers, and they are getting older and older and there needs to be more attraction and retention, so they are going to invest in that at the same time as investing in cultural issues. There is no room for bullying, harassment — up or down — in any organisation, but the current situation is sort of allowing that to happen.

We also heard from Steve Warrington, chief officer of the CFA. This was the first time I had actually met Mr Warrington, and I have to say I found him very impressive during the hearings. I would like to quote extensively from his evidence as well.
Dr Carling-Jenkins asked the question:

> … is there a case for change, because we have heard disputed evidence around that.

Mr Warrington stated:

> That is a really good question. It is interesting you say Jack Rush had a different view. I do not think too many people are disputing the need for reform in the sector. We spend a billion dollars in this state on fire services per annum between the two fire agencies. We could be far more effective than what we are now, should we get reform. The main point for me is to give CFA autonomy and independence to make its own decisions, where volunteers can get on and do their stuff without intervention or interference et cetera.

Ms Bath interjected.

Ms HARTLAND — I will take up the interjection. So I presume you are saying that the chief fire officer, Steve Warrington, does not know what he is saying? I found him to be an extremely credible witness.

He went on to say:

> There are a number of players in this space at the moment. Just give us autonomy, and we will not only continue but I think you will find that we will deliver an even better fire service than we have today. Potentially it is an exciting future if we can get some of the detail right.

Mr Young went on to ask him a question:

> To be honest I do not see any conviction from you in this model. I see someone who has resolved to do the best with what we have got. Your wording has been evidence of that when you have said, 'We will make it work', not, 'It will work'.

Mr Warrington went on to say:

> Thank you for giving me the opportunity. If I have not been clear, let me be really clear: this sector, including CFA, needs reform. I am an advocate for reform for the aforementioned reasons. The reality is at the highest level it is not CFA reform, this is MFB, so this is sector-wide reform. We have two organisations with career firefighters with different recruitment, different development and different training. I can tell you that it is this bizarre in Victoria — and I am probably embarrassed to put it into the public space — that we put up ladders differently. We do stuff differently. That is not good enough. That is not in the best interests. We need reform in this state.

He continued:

> The third point that I would make in this space and very clearly is that I am sick to death of good people being put against good people. Our good name has been eroded in a public confidence sense. We are on the front page of papers and in the public space, and even this will put us back there, not for the good work that we do and for the good work that our community should be proud of but for all the wrong reasons. Bring on the reform. Give us independence. Give us an autonomous, independent fire service, and we will kick you goals to say, 'Hey, this will be the best fire service in the country'. Yes, I am a proud, parochial, passionate CFA person, but let us get on with it. Let us get this behind us, and let us get on with it.

I have a high regard for the work of Mr Warrington. I think he gave good evidence, and I am a bit surprised at some of the interjections that seem to say that he does not know what he is saying. I think he is quite honest.

He went on to say:

> I have said there are four groups of people in CFA that will be impacted. They are in this priority order, and this is part of what I have been communicating to our people. Believe it or not, and some people do not like me saying this, but I think our career staff are the ones that will be most impacted by the change because you are bringing two cultures together. I have just talked about our different systems of work, how we need to do a lot to bring that together. When you are bringing cultures together, that is a difficult journey. I think the second group in this space is the volunteers at our integrated stations. For the exact reasons Mr Young just said, the reality is we

> need to do a lot of work, and that is why I have focused particularly at our integrated stations.
>
> There is another group here that I think has been lost along this journey, which is our admin staff, because there is a thing called the Emergency Services Infrastructure Authority. My example to you would be clearly we have people in CFA that do rostering. If we do not have career firefighters and those career firefighters and their EBA and their veto and their powers — all are put into Fire Rescue Victoria; merry Christmas, happy new year — then the reality is that we do not need people doing rostering. I suspect some of those will go to Fire Rescue Victoria. Alternatively if we have people that just do volunteer staff, clearly they are going to stay in CFA.

My last quote from Mr Warrington was in response to a question that I had asked. My question was:

> On the issue of the numbers of volunteers, we have been told by the Volunteer Fire Brigades Victoria that there are 60 000. On the numbers that I have from CFA, it is 35 600 who are operational, 18 935 that are non-operational, so it is roughly 54 000 volunteers. On the issue of presumptive, because there needs to be some way of deciding who is operational and who is not, I am told that it will be a very simple tick box type of exercise. What is your information on that?

Mr Warrington replied:

> Thanks for the opportunity, because this has been one of the two emotive issues that are out there and there has been a lot of information. CFA has — and your information is right; I am not disputing anyone's data. I think we are all in the ballpark there; I do not want you to think we are disputing that. I would have said 58 if you were to ask me, off the top of my head, thousand volunteers. Probably half of those are operational and half of those provide support roles and do other activities. If you are a career firefighter, you are employed to go and fight fires. I think it is a fair assumption that if you are employed to fight fires, then you can access the presumptive legislation. If you are one of the 60 000 or 58 000 — whatever — volunteers, you have to demonstrate that you are an operational. Presumptive rights do not apply if you were not operational.
>
> You do need to get through the gate to show that you are an operational firefighter, volunteer in this case. Once you get through that gate your starting point is exactly the same for career staff and volunteers, but you do need to demonstrate how that happens in a practical sense. It talks about a panel. You will probably have a better understanding of that than me, but the way it is explained to me is: demonstrate you are an operational volunteer and you will be treated exactly the same as a career firefighter.

This will be an issue that obviously will be discussed during the committee of the whole, and I do have a number of questions to go over in that space.

The last person I wish to quote is Mr Craig Lapsley. Mr Lapsley is obviously someone that is known to many people in the community as having had, again, very senior roles in emergency management for quite a long time. I have dealt with him over many years.

Mr Lapsley also gave a lot of evidence that was very similar to Mr Warrington's about the need for reform, that he had been in the services for a number of years and that he did not feel that we could just continue with the status quo that we have at the moment. I will start off with a comment that Mr O'Sullivan made to Mr Lapsley. He said to Mr Lapsley:

> We have got a problem. This committee has got a problem. Everyone in this room has got a problem. Everyone in this state has got a problem. We have had Jack Rush sit there no more than an hour ago and absolutely with conviction contradict everything that you have just said. The next problem is you have come in here and made your case and contradicted everything he has said. In my view you are the two most credible witnesses this committee has had.

Mr Lapsley responded:

> I do not know what Mr Rush has said today. What I will give you about my conviction is that I have experienced it face to face, hand to hand and right now. I do not think I need to say anything more. That is not questioning Mr Rush at all. It is simply saying that I am in there. I deal with it every day. I have the letters over my desk. I have the emails. I have the face to face. I have seen the people. I have had a group officer in the outer metropolitan not so long ago walk up and say, 'Craig, fix it …

and that is what he intended to do. I think that was a very telling conversation because it was quite clear that what Mr Lapsley was saying to us was that the people we should be taking notice of are the people who actually have the experience in the field.

One of the issues that came up towards the end of the inquiry was the issue of response times. If we look at the report of the select committee and go to pages 56 and 57, the issue about response times has been very clearly laid out for us, and this is CFA data. Nobody else's data are set for the CFA. They have made it quite clear in this data that there are serious problems in some areas in terms of response times. These issues have to be faced. We cannot continue to believe that all CFA brigades are able to respond in the way they need to. This is no reflection on the volunteers. We met so many volunteers during the inquiry who talked about the service that they gave to their community, but they also talked to us about how they were finding it harder and harder to respond because they do not work in the towns where they live anymore. In some country towns and in some large regional towns where it used to take 5 minutes to get to the fire station it would now take 20 minutes. Clearly there is a problem with response times, so we either look at the real issues or we just continue with the politics.

I will talk a little bit about presumptive rights. I have already done that a bit with the comments from

Mr Warrington, but the issue about presumptive rights to me is extremely important, because people in this house would know that I put forward a private members bill during the time of the last government which the government rejected; they refused to bring in their own bill and also actively said that there was not the science and that firefighters were not ones who would be affected by this — even to the degree that former emergency services minister Mr Wells at one stage said that there was no science to back the need for presumptive legislation. Four days before the last election, suddenly the Liberal-Nationals government decided that they did support presumptive legislation.

Mr O'Donohue — Before the election.

Ms HARTLAND — That is right, four days before the election, when they had had four years to bring in a bill. They decided that they did agree with it and they claimed that they would do it if they were re-elected.

After the election, when they were in opposition, they started what I believe was a very disingenuous campaign to suddenly say that they supported presumptive legislation when in the four years of their government they had done almost nothing and actively worked against that legislation. I am glad to see that presumptive rights are in this bill. I wish that it had been brought on quite some time ago and that we had dealt with it at least a year ago. But it is here and we need to deal with it, because firefighters are at risk. They need this protection.

We as MPs at some stage actually have to put away the pointscoring on this issue. All right, the consultation before the bill was released was poor. Nobody is going to deny that, especially not me. We need to put at the front of our minds whether this reform is needed. For me, the select committee proved that this reform is needed. We must look at the response times and start to think about community safety. We also need to think about the safety of firefighters, both career and volunteer, who every day put their lives on the line for us.

I have gone through the amendments and I do believe the government has taken seriously the issues that came up during the select committee inquiry. I think the amendments that we have before us are actually things that should have been in the bill right from the very beginning, but I will give the government credit in saying that clearly it has listened to what was raised in the select committee, it has listened to people and it has fleshed out a number of issues, especially around secondments. I will be asking a whole range of questions during the committee of the whole.

I just want to finish by saying how much I respect firefighters, both career and volunteer, because they are always the ones who are running into your house as you are running out of it. They are there. They put their lives on the line every day for us and I think as MPs we have an absolute responsibility to protect them and to stop the political pointscoring.

Mr LEANE (Eastern Metropolitan) — I am glad to rise to support this bill, particularly after having been involved in the select committee process looking into the bill. I am pleased that the government has responded to some of the concerns that were fleshed out in the report, particularly addressing issues that were raised around the secondment of management in the Country Fire Authority, support for volunteers and funding certainty for the CFA. I think that is a good thing. There should be certainty for funding the CFA, particularly when there is a change of government. Coalition governments come in and, as they do, cut funding. The government has also addressed strengthening the powers of the CFA's chief fire officer, which was also brought up as a concern during the committee hearings.

I assume that during this debate we are going to hear a lot about firefighters, both career and volunteer, being offended by certain things. As far as the career firefighters are concerned, I think they are offended because of falsehoods that have been run in the media and by other organisations that questioned their commitment to community safety. In particular one falsehood that was run out a number of times was that volunteer firefighters would not be allowed to address a fire until there were seven professional firefighters on site. No-one could actually find any documentation that that was ever a career firefighter's position, because it was not true. I can imagine how career firefighters were offended by that. Volunteer firefighters were being fed that information; they were being told by people that they had faith in that that was the case. I can imagine them being offended when they were being told that that was a fact.

A myriad of falsehoods was put out about firefighters. One particular one that involved career firefighters and volunteer firefighters which was fleshed out at one of the regional hearings was that at the Warrnambool fire station the volunteer firefighters had to use a different entrance from the one used by the career firefighters. This was a statement made by our Prime Minister, who said that it was a fact. When the volunteers from

Warrnambool appeared at the hearing, they were dismayed. They did not understand why this was said and they dispelled that statement completely.

I know that there is going to be a lot of talk about firefighters being offended. I am at the point now where when it comes to community safety I think career firefighters and volunteer firefighters will be quite happy for us to put their hurt feelings, if they have hurt feelings, as a second or third priority. I suggest that outside this process career firefighters have legal recourse that they should follow. If they have been slandered — and they have been slandered — I suggest that they should follow up their legal recourse against the media outlets and other organisations that slandered them. But they should keep that out of this process because this process and this reform that we are debating today is about public safety.

I commend Ms Hartland on her contribution being centred all around public safety because that is what struck me as a member of this committee. This is about public safety, particularly in urban areas that are not Liberal-held safe seats like Brighton, Bulleen and Hawthorn. The Metropolitan Fire Brigade has coverage in those particular areas. When there is a structural fire, two appliances will be sent out and they will be dispatched within 90 seconds. They will arrive at the scene of that structural fire, whether it be a house, a school, a kindergarten, an aged-care centre or a disability group home.

Mr Dalidakis — Risking their lives.

Mr LEANE — They will be risking their lives, as all firefighters, career and volunteer, do. There will be a crew of a minimum of seven so that they can at least have the particular skills mix with breathing apparatus et cetera. They can go into that school or kindergarten and save people from that particular building because they will be guaranteed to have the necessary training. When those particular appliances leave the stations in those safe seats in Balwyn, Brighton and Hawthorn, they will be backfilled by another appliance. That is the way it works. They will be backfilled by another appliance and that will make sure that that particular area is covered. If there is another event, those particular appliances will be out within 90 seconds again.

But for those who live outside those Liberal safe seats — who live, say, in a highly urbanised rural town — people in this chamber want to keep a system of a fire service that we have inherited from the 1950s, when Dandenong used to be the country, Springvale used to be the country and Geelong used to be very much a country area. Tell someone who lives in Frankston or tell someone who lives in Springvale — where you have got houses all around you, your back fence backs onto a school, across the road you might have an aged-care facility, down the road you might have a disability group home and you have got houses all on top of you — that they live in the country. That is what people in here want to maintain — a 1950s system from when it was the country.

What happens if it is an integrated station? If it is an integrated CFA station, there will be four firefighters called out. They are to be there within 8 minutes, compared to the Liberal safe seats, where it is 7.7 minutes, because that is based on trying to maintain a structure fire within the room of origin — and it is a scientifically proven thing. There will be four firefighters dispatched from an integrated station, and to back them up there will be volunteers called via their pagers.

Volunteers gave us evidence that because of the population growth, because they do not necessarily work where they live and where they volunteer, because of a number of issues and because of congestion, it is harder and harder for them to respond. When it comes to the pagers — and this is the same with the volunteer brigades in the urban areas as well when their pagers go off — their procedure is not to let the control centre know that they cannot come. That is not the procedure. So if they are working in the Melbourne CBD and they get a page in the outer east — or even the inner east because the MFB boundary has not moved for 60 years — and they are unable to respond to that page, the procedure is not to let the control centre know. So if that brigade does not respond within 4 minutes to back up the integrated brigade to provide a workforce that is able to address a structure fire in exactly the same way a structure fire is supposed to be addressed and is addressed in the Liberal safe seats, then another brigade will be paged.

Keep in mind that at a number of these integrated stations, the volunteers at those integrated stations called for career firefighters to come there. They called for them to become integrated stations. There have been examples, and Cranbourne is one, where they demanded career firefighters come to that area because they could not keep up with the demand, and their main objective — as the main objective for all of us in this chamber should be — is public safety. They demanded there be an integrated station. So if there is a nearby volunteer brigade area which cannot respond, those career firefighters will be called to respond to that area,

therefore leaving the area for which the volunteers demanded there be career firefighters present with no career firefighters and leaving it empty, therefore leaving the same situation that those volunteers called for. People are looking incredulous over there — 'Well, this isn't true'. Well, maybe you should have listened. We have got Mr Young there. He was elected on 200 primary votes, and he is going to determine that people who live in the outer urban area cannot have the same firefighter service as the urban area. Congratulations to you, Mr Young. Congratulations to you.

I have to say I never understood how bad this system was. I am actually quite embarrassed. I never understood until I was on the select committee how ordinary this system is, and I am demanding that it get fixed. This is a disgrace, and I tell you what: response times have never been published in CFA areas, and in some areas it is an outrage. It is a scandal. So I flag to this chamber that in the future if for any incident the system has not been of support, it is our fault — it is the Parliament's fault, it is the fault of previous governments of all flavours for squibbing it and it is previous ministers' fault for squibbing it. No wonder there is a ghost of fire services past coming out saying, 'There's no need to reform, because they squibbed it at the time they should have reformed it'. It is an absolute outrage that this is not going to be addressed.

So I flag to this chamber: if you want to vote down this reform, you will own the current system, so when there is a fire at a kindergarten, when there is a fire at a school or when there is a fire at a disability group home and it is not addressed, it will not be the firefighters' fault, it will not be the volunteer firefighters' fault, it will be your fault. I tell you now: now that there has been a report tabled in this chamber I will get up every Wednesday and I will tell you about the incidents; I will tell you if someone has been burnt because it suited you politically not to reform a system that has not been reformed for 60 years.

The only concern you brought up on public safety was the surge capacity, which you could not prove because you did not speak to the volunteers at the integrated stations. You did not. You relied on the Victorian Fire Brigades Victoria (VFBV) to tell you who did not go to speak to them. You relied on Jack Rush to tell you that the case is that their feelings would be hurt and they would not carry on, which is actually an insult because when they actually gave evidence to us they said they have a commitment to public safety and they will continue to volunteer and they will work within the reforms. So you roll out Jack Rush, who had not been in an integrated station for seven years, and there is an old saying, 'Don't get between Jack Rush and a bucket of taxpayers money'. Jack Rush was retained by the VFBV to try and be some credible witness, but when you have witnesses from the fire services, when you have current professionals and when you have professionals from interstate telling you that this service has to be reformed you still say no because it does not suit your political ends.

I tell you what: how about putting the public safety first? How about considering that? Because I tell you what: I am not going to let you forget. I am going to talk about this every Wednesday of Parliament and I will tell you when there is a fire and when someone loses their house in the outer suburbs. They will not lose their house in the safe Liberal seats now. There were instances of this and there were submissions about this happening. This has happened; this has happened over the years. You are saying, 'Oh, no, it hasn't happened', because you did not read the submissions that came in about instances where standard operating procedures have broken down time and time again because we are working off a 1950 model of fire services, and you should be ashamed that you are not going to do anything about it. You should be ashamed, and we all should be ashamed that we never did anything about it in previous governments as well.

Debate adjourned on motion of Mr O'SULLIVAN (Northern Victoria).

Debate adjourned until later this day.

RESIDENTIAL TENANCIES AMENDMENT (LONG-TERM TENANCY AGREEMENTS) BILL 2017

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

> In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter'), I make this statement of compatibility with respect to the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017.

In my opinion, the Residential Tenancies Amendment (Long-term Tenancy Agreements) Bill 2017 (the bill), as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill will amend the Residential Tenancies Act 1997 so that it will:

apply to fixed-term tenancy agreements of any length;

enable a standard long-term tenancy agreement to be prescribed for fixed terms of more than five years; and

make a number of related consequential amendments.

Human rights issues

The bill engages the right to property under the charter does not limit any human rights set out in the charter act.

Philip Dalidakis, MLC
Minister for Small Business, Innovation and Trade

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill will introduce one of the most significant changes to residential tenancy arrangements in Victoria in the last 20 years. For the first time, it will enable landlords and tenants to agree to enter into tenancy agreements for greater than five years, which will be subject to the protections of the Residential Tenancies Act 1997 (the act).

In the government's housing affordability strategy *Homes for Victorians* it is noted that many Victorians want the certainty of a longer term lease. Although short-term leases are currently the norm in Victoria, more than one in five renters have been in their home for more than five years.

Furthermore, market research conducted by Consumer Affairs Victoria as part of the review of the act found interest from landlords and tenants in longer term fixed tenancies, noting that certainty of tenure was a high priority for tenants.

The bill will enable greater security for tenants and certainty for landlords. Currently the act does not apply to tenancy agreements of greater than five years. This will be amended to bring tenancy agreements for a fixed term of more than five years under the operation of the act. The length of term will remain a matter to be agreed between landlord and tenant and there will be no maximum cap on the length of a tenancy.

It will be an offence for fixed-term tenancies of more than five years to not be in writing. Tenants and landlords will have the option of entering into such an agreement using the current tenancy agreement prescribed in the residential tenancies regulations. The current prescribed agreement is used for tenancies of five years or less.

Importantly, the bill will also enable a specific long-term tenancy agreement to be prescribed that will be able to be used as an alternative to the current prescribed agreement. This new specific agreement will be developed later this year in consultation with key stakeholders. More than one alternative form of the agreement may be prescribed if necessary.

Where a landlord and a tenant are comfortable with using the existing prescribed agreement for their longer term tenancy arrangements, they will be free to choose to do so.

The bill will enable the terms and conditions of the specific long-term tenancy agreement to be inconsistent with a number of the standard requirements of the act where there is a need to adjust the operation of the act to better suit extended tenure. This recognises that the existing requirements of the act were designed with shorter term tenancies in mind.

Recognising that there may be widely different situations in which fixed long-term tenancies may be used, more than one alternative may be prescribed and, where necessary, different clauses for use in those agreements will also be able to be prescribed.

As with the current prescribed agreement, landlords or tenants will be able to include additional clauses in their fixed long-term tenancy agreements.

Where a party to a fixed long-term tenancy agreement that is in the new prescribed form is in breach of a term of the prescribed agreement, the other party will be able to apply to the Victorian Civil and Administrative Tribunal for an order for compensation or an order requiring compliance with that term of the agreement.

The amendments in the bill will also enable regulations to be made identifying additional terms that cannot be used in fixed long-term agreements, and will introduce new offences prohibiting the use of those terms, or any other additional terms that vary or contradict the operation of any of the provisions set out in the prescribed alternative agreements.

It will be a feature of any prescribed alternative fixed long-term tenancy agreement that it will be able to be extended. If the agreement is not extended after the initial fixed term expires, the tenancy will continue as a periodic tenancy. However, the benefit of any terms specially varied for longer term tenancies will not apply to the periodic tenancy. The periodic tenancy will be on the same terms, as far as applicable, as if the original tenancy had been in the form of the current standard prescribed agreement.

The bill will amend the provisions of the act relating to bonds to enable a long-term tenancy agreement that is in the new prescribed form to require an additional amount of bond to be paid every five years to maintain the real value of the bond.

The bill will also amend a number of other provisions of the act to ensure that regulations can be made varying the way long-term tenancy agreements operate in situations of extended tenure. For example, provisions relating to notice periods may need to be adjusted, where the long-term tenancy agreement is for a period of 10 years or more.

As part of the government's housing affordability strategy an online matching service will be established. This service will connect landlords and tenants interested in a long-term lease through a dedicated website. The feasibility of an intermediary service to manage long-term lease arrangements will also be tested. The government has allocated $1.2 million over the next four years to support these measures.

This bill makes an important contribution to the government's commitment to increase the supply of stable housing for tenants, while providing the benefit of more secure, long-term income streams for landlords.

The government also envisages that these measures may also assist in generating new investment in the rental market by making long-term rental arrangements an attractive option for larger institutional investors.

I commend the bill to the house.

Debate adjourned for Mr O'DONOHUE (Eastern Victoria) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 14 September.

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

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade); by leave, ordered to be read second time forthwith.

Statement of compatibility

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017.

In my opinion, the Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Bill 2017, as introduced to the Legislative Council, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

Overview

The bill amends the Drugs, Poisons and Controlled Substances Act 1981 (the act) to:

(1) provide that the secretary may establish a database relating to the monitoring and supply of certain poisons and controlled substances and provide for information to be included on the database;

(2) provide for access to the database by health practitioners and other persons prescribed by the secretary; and

(3) require particular professionals to report potential misuse of certain drugs of dependence and poisons.

Human rights issues

The right to privacy

Section 13(a) of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will not be 'unlawful' where it is permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be 'arbitrary' provided they are reasonable in the particular circumstances, and just and proportionate to the end sought.

The right to privacy is relevant in relation to a number of the provisions in the bill. However, for the reasons set out below, none of the provisions in the bill limit this right, as any interference with privacy is neither unlawful nor arbitrary.

Creation of database and disclosure of information by the secretary

Clause 5 inserts a new section 30A into the act, which permits the Secretary to the Department of Health and Human Services to establish a 'monitored poisons database'. The database may contain a variety of information, including records of: the supply of a monitored poison; permits and notifications relating to the supply of, and treatment with, poisons and controlled substances; warrants applied for and issued by the secretary in relation to the supply or treatment of persons with poisons and controlled substances; and any other information prescribed by regulation. The database will contain personal details of persons being supplied monitored poisons and drugs in accordance with the act, including health and medical information.

Within clause 5, proposed section 30B provides that the purpose of the creation of the database is to promote safe supply, prescription and dispensing practices, reduce harm from monitored poisons and other high-risk medication, and facilitate evaluation and research into monitored poisons.

New section 30B gives the secretary power to: collect and store information required for the database, require a prescribed person (or class or entity) to provide information to the database, prescribe certain records or information to be provided to the database, and use and disclose any information on the database that is reasonably necessary to implement and oversee it.

Both the power to obtain and to disclose this information engage the right to privacy. The right is engaged by the requirement that personal information, which in many cases is likely to be information associated with medical treatment, be provided to a central repository, and also by the power of the secretary to disclose that information in certain specified circumstances.

However, any interference to the right to privacy occasioned by the establishment of the database and the secretary's

powers in relation to the database will be lawful, as the powers are appropriate, circumscribed and precise. Additionally, any interference will not be arbitrary as the database serves several legitimate purposes as set out above. Further, the secretary's powers under new section 30B(2) to collect, use and disclose this information can only be exercised for the purposes of establishing and maintaining the database and furthering its purposes set out in new section 30B(1). For this reason, in my opinion clause 5 is compatible with section 13 of the charter.

Access, use and disclosure of database information by other parties

The information on the database can be accessed by pharmacists, registered medical practitioners, or nurse practitioners for reasons specified in the bill (new section 30C in clause 5) and the database must be checked by these professionals (as well as authorised suppliers) before the supply of any monitored poisons (new sections 30E–30H).

The bill intends to ensure that the relevant health professionals will consider the information contained on the database before supplying a monitored poison. The database is intended to be a clinical decision support tool, which will promote safe supply, prescription and dispensing practices, and reduce harm from monitored poisons and high-risk medication.

The information may also be accessed by prescribed entities or persons authorised by the secretary (or classes of such entities or persons) for reasons prescribed in the regulations or the authorisation (new section 30C(3)–(5)).

While these provisions also engage the right to privacy because they involve the access, use and disclosure of confidential personal information, they similarly do not limit that right. This is because the access to personal information authorised by proposed section 30C is neither unlawful nor arbitrary. The access to personal information is authorised for a confined purpose to specific professionals, or to persons or entities authorised or prescribed. The secretary only has power to provide that authorisation where satisfied of certain circumstances, and it is an offence for anyone to access use or disclose information if they are not authorised to do so by the act.

Under proposed section 32A, notifications must also be given by pharmacists, registered medical practitioners, or nurse practitioners to the secretary in circumstances qualifying as a 'reportable drug event', which may require the provision of certain personal information to the secretary. A reportable drug event occurs where requests are made of pharmacists for certain drugs in greater quantity or frequency than is necessary, where a medical practitioner believes their patient is a drug-dependent person seeking certain forms of treatment, or in circumstances prescribed by the secretary. These notification requirements replicate requirements which previously were provided separately by sections 33 and 36. The notifications to the secretary may form part of the database: (new section 30A(2)(b)). The purpose of the provisions is to ensure that the potential misuse of certain drugs is centrally reported and can be included on a single database, to better protect against misuse. Given that the circumstances in which this notification is required are prescribed by statute or notice published in the *Government Gazette*, and taking into account the important purpose the provision serves, such notifications, to the extent that they amount to a disclosure of personal information, do not limit the right to privacy.

Finally, proposed section 42A permits the information on the database to be accessed by officers authorised by the secretary for the purpose of ascertaining whether the act, regulations and related acts are being complied with. For the same reasons set out above, this provision does not limit the right to privacy.

Accordingly, I consider that neither the creation of the database nor the use, access or disclosure of the information that will be contained on it limit the right to privacy.

The right to a fair hearing

Section 24(1) of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding determined by a competent, independent and impartial court or tribunal after a fair and public hearing. For civil proceedings, the fair hearing right in section 24(1) of the charter encompasses an implied right of access to the courts.

New section 30J provides that various health practitioners are not liable for anything that they do in good faith in carrying out a duty or function relating to the monitored poisons database in accordance with the act or regulations. The section provides health professionals with a general immunity from liability, including for liability relating to professional etiquette or ethics obligations and defamation. The limitation of that liability confines claims that might otherwise have existed under statute or general law. As such, it affects the substantive content of legal rights which may otherwise exist in limited circumstances rather than limit a person's access to the court to determining existing rights.

For these reasons, I consider that the new section does not engage the right in s 24.

Jenny Mikakos, MP
Minister for Families and Children
Minister for Youth Affairs

Second reading

Ordered that second-reading speech be incorporated into *Hansard* on motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

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

That the bill be now read a second time.

Incorporated speech as follows:

Far too many Victorians have lost loved ones, needlessly, to prescription drug overdoses; and on too many of these occasions, potential opportunities to detect misuse of prescribed medicines, and the warning signs of addiction, were missed. Through earlier detection and intervention, we can save lives.

By implementing a real-time prescription monitoring system, this bill will help us do just that. It will enable prescribers and

pharmacists to review dispensing records for high-risk medicines, to help them make better informed, safer clinical decisions at the critical moment of consultation or dispensing.

The scale of this problem is immense. In 2016, prescription medicine overdose resulted in the loss of 372 Victorian lives. This is an alarming figure, higher than the number of overdose deaths involving illicit drugs (257) and even higher than the road toll (291).

As alarming as these statistics are, statistics obscure the grief and the very real human tragedies they record.

I want to share just one of those stories to illustrate why this legislation is so desperately needed.

In 1994, Simon Millington was an 18-year-old auto-electrician and son of farmers from Nhill, when he crashed his car on a country road and suffered devastating injury. After weeks in hospital and numerous operations, he became addicted to his pain medication and other drugs.

His mother, Margaret, describes that for the next 16 years Simon's life was a roller-coaster involving numerous attempts at drug rehabilitation, and chaos for the family as they tried to rescue him.

The family was determined to save him. In 2008 Simon found that he was the father of Maddie, a four-year-old girl, and this seemed to be a turning point for him. When he left a six-month treatment in rehabilitation, he came home to work on the farm and volunteered to help others in rehab.

He was a doting father and desperately wanted to stay well for his daughter Maddie. But addiction crept back into their lives and he started prescription shopping again. Sadly, the family lost their battle to save Simon: in 2010 he died of an accidental overdose of oxycodone.

I would like to express my deepest condolences to the Millington family — and the families of so many other Victorians with similar heart-wrenching stories — for their loss. The burden of grief is hard to imagine, and one no family ought need to bear.

Margaret and John Millington, Simon's mother and father, have been tireless advocates for real-time prescription monitoring ever since his death, and I take this opportunity to record my deep admiration and heartfelt thanks for their efforts in bringing this issue to the fore on behalf of so many.

In his mother's words: 'His life mattered, and that is why I do what I do for others in similar circumstances'.

On more than 30 occasions, Victorian coroners have also recommended real-time prescription monitoring to prevent the unintentional prescription drug overdose deaths of people whose drug use was uncoordinated, or were obtaining dangerous prescription drugs from unwitting multiple prescribers and pharmacies.

Such tragedies are often the result of a desperate attempt to manage pain following an accident or injury, and might have been avoided with earlier intervention and support.

I have been heartened by the courage and determination of many parents and families to change things for the better, and to do whatever they can to prevent the deaths of others in similar circumstances. Their support and involvement is vital to changing mistaken preconceptions about the problem of misuse of prescription medicines, and helping to create an empathetic climate for acceptance of monitoring by the community. It is also essential to encourage an effective and respectful response by health professionals monitoring their patients.

The Andrews Labor government is committed to doing all we can to prevent further tragedies by implementing real-time prescription monitoring in Victoria.

At its core, this means linking prescribing and dispensing data to support clinical decision-making and allow doctors and pharmacists to identify patients struggling with their misuse, or progressing towards high-risk use of potentially dangerous medications.

Work is well underway to design and build the system, as well as developing the support and training for our GPs and pharmacists, and this will be completed by 2018.

While the monitoring system is essential, it is not sufficient on its own. This tool will identify patients who require support and treatment for their high-risk medication use, and in many cases, drug dependence. These patients require empathetic, respectful and skilled professional assistance to manage their high-risk medication use.

Accordingly, the Andrews Labor government is committed to the development of workforce training that will ensure doctors and pharmacists have the necessary skills to respond effectively and respectfully to patients at risk.

The amendments contained in this bill will require prescribers and pharmacists to review the patients' dispensing records before writing or dispensing a prescription for certain high-risk medicines. This approach will provide the greatest benefit from the system, and is consistent with international best practice, as demonstrated particularly in the United States. The relatively small amount of time required to check the system will be offset by streamlining current regulatory processes.

All schedule 8 medicines — that is, high-risk prescription medicines that are potentially addictive and require additional controls, such as morphine — will be included for monitoring through the system. Other high-risk medicines, for example, some schedule 4 medicines such as diazepam, will also be monitored.

Medical practitioners and pharmacists face challenges every day with the task of balancing effective management of their patients' severe pain or other medical conditions, while at the same time preventing the serious risks of dependence and misuse of the drugs used to treat these conditions. Real-time monitoring will enable them to manage this balance more effectively, and ensure effective and safer treatment for these conditions. It is essential that monitoring does not prevent effective treatment when this is needed.

I now turn to the provisions in the bill.

The bill will:

> enable the Secretary of the Department of Health and Human Services to establish a database that contains records of the supply of certain high-risk medicines;

require records to be provided for use within the database;

enable prescribers and pharmacists to access the records for a patient in their medical care;

require prescribers and pharmacists to review a patient's dispensing history before writing or dispensing a prescription. Some exceptions will be created, for example, in circumstances where the risk of 'prescription shopping' is low, such as in prisons, residential aged care or as an inpatient within a hospital;

reduce the regulatory burden on prescribers by removing some regulatory requirements. For instance, there will be fewer occasions where a treatment permit is required from the Department of Health and Human Services in low-risk circumstances or where the risk will be addressed through information available in the real-time prescription monitoring system.

Victoria, once again, is leading the way and will be the first state to implement such a large-scale and comprehensive response.

The implementation of real-time prescription monitoring has been widely welcomed and applauded by key stakeholders including medical and pharmacy professional organisations, and the families who have experienced the tragedy of loss of a child, parent, husband or spouse from prescription drug overdose. Many of these people have been advocating for some time for such a system to be implemented.

We have to stop good people falling into the quicksand of addiction to prescription opioids and other drugs by supporting clinical decisions with tools that modern information and communication technology has provided us.

We need to take action now to stop people dying. We can no longer stand by as parents bury their children, as children grow up without their parents and as Victorian communities mourn the loss of too many innocent lives.

This legislation is essential to protect the lives of Victorians and I ask all members to support it.

I commend the bill to the house.

Debate adjourned for Ms WOOLDRIDGE (Eastern Metropolitan) on motion of Mr Ondarchie.

Debate adjourned until Thursday, 14 September.

DRUGS, POISONS AND CONTROLLED SUBSTANCES MISCELLANEOUS AMENDMENT BILL 2017

Referral to committee

Ms HARTLAND (Western Metropolitan) — I move:

That —

(1) the resolution of the Council of 11 May 2017 that the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 be committed to a committee of the whole on the next day of meeting be read and rescinded pursuant to standing order 7.07;

(2) the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 be referred to the Legal and Social Issues Committee for inquiry, consideration and report by 31 October 2017; and

(3) consideration of the Drugs, Poisons and Controlled Substances Miscellaneous Amendment Bill 2017 be deferred until after the committee has tabled its final report in accordance with paragraph (2).

Ms PATTEN (Northern Metropolitan) — I would like to speak to the motion, and I fully support it. There is a significant joint committee inquiry into drug regulation and drug policy being held right now. It is due to report in March. It is looking at the issue that this bill goes straight to, which is synthetic substances and in particular psychoactive substances. I might add that that committee has also travelled overseas, has taken extensive expert evidence and has conducted numerous public hearings on this subject. Why would we not wait to see the findings of that committee and that committee's report before moving ahead — one would say pre-emptively — on this legislation? I think this is a most sensible motion, and I fully support it.

Mr O'DONOHUE (Eastern Victoria) — I just want to put on the record that the opposition does not support the referral motion moved by Ms Hartland. I think this bill has had appropriate debate in the second-reading stage. I look forward to the committee stage to move my amendments, but I do not think the case has been made for a referral to a parliamentary inquiry.

Ms SYMES (Northern Victoria) — I rise to put on the record that the government will not be supporting this motion today.

Ms HARTLAND (Western Metropolitan) — My reason for moving this referral is that over my 11 years in the Parliament I think I have done five or six of these kinds of bills. I do not think they are effective. I think what happens is that every time we do a new one, six months later we get another bill talking about the same kind of issues. I think it does not actually have any kind of effect on what is being sold. We know these drugs are extremely dangerous, we are not controlling them well and they are not being dealt with well, but we just keep on doing what I think are these not very well defined bills through which somehow we think we are going to control them.

We need to have a new approach. We need to look at the New Zealand model, where they talk about not having these drugs on the market unless you can prove they are safe. Why are we just tampering around the

edges? We should actually be serious about drug law reform, and this bill does not achieve that. That is why I think it should have gone to a committee for referral and for discussion and come back with a much more sensible approach.

House divided on motion:

Ayes, 6

Barber, Mr	Patten, Ms (*Teller*)
Dunn, Ms	Pennicuik, Ms (*Teller*)
Hartland, Ms	Springle, Ms

Noes, 33

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

Motion negatived.

Committed.

Committee

Clause 1

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

1. Clause 1, page 2, line 11, after "quantities" insert "or automatic forfeiture quantities".

Amendment 1 to clause 1 is a test for amendment 7 standing in my name. In a very brief way, let me remind the committee that the opposition supports this bill. We welcome the changes in the legislation, but we do not think they go far enough, and we therefore want to lower the threshold for automatic forfeiture quantities, as this amendment to clause 1 and amendment 7 in my name seek to do. The other amendments, which I will move later, in a similar vein seek to lower the threshold test for the definition of large commercial quantities of drugs.

Ms HARTLAND (Western Metropolitan) — The Greens will not be supporting this amendment.

Ms TIERNEY (Minister for Training and Skills) — On the opposition's proposed amendments to automatic forfeiture, which would reduce the automatic forfeiture quantity from 30 grams to 15 grams for pure methamphetamines, the government does not support these changes. We believe the opposition is making arbitrary reductions. The automatic forfeiture regime shifts the onus onto the offender to explain to the court why property should be excluded from forfeiture. Lowering the threshold amount for automatic forfeiture, we believe, will only really ensure that much lower level offenders are potentially brought within the confiscation scheme. It does not provide that there will be any further deterrent against engaging in trafficking or that the amount of assets seized will be increased. It is likely that the lower level offenders captured by this scheme would have less assets of any great value, as by definition they are the smaller players in the ice market rather than the larger players who make the significant profits. This in turn could lead to more cases of hardship within families if assets are forfeited.

Committee divided on amendment:

Ayes, 18

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

Noes, 19

Barber, Mr	Mikakos, Ms
Carling-Jenkins, Dr	Mulino, Mr (*Teller*)
Dalidakis, Mr	Patten, Ms
Eideh, Mr	Pennicuik, Ms
Elasmar, Mr	Pulford, Ms (*Teller*)
Gepp, Mr	Somyurek, Mr
Hartland, Ms	Springle, Ms
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Melhem, Mr	

Pairs

Atkinson, Mr	Shing, Ms

Amendment negatived.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Ms PATTEN (Northern Metropolitan) — I refer to the definitions and in particular the definition for 'psychoactive effect' on line 18. The definition employs the phrase 'significant disturbance in, or significant change to'. I assume that the word 'significant' has its ordinary meaning?

Ms TIERNEY — The answer is yes.

Ms PATTEN — Thank you, Minister. Just for the sake of clarity, is that the ordinary meaning as defined in the Oxford dictionary?

Ms TIERNEY — The advice is yes.

Ms PATTEN — Does it follow that a 'disturbance in … or … change to, motor function, thinking, behaviour, perception, awareness or mood' that is less than a significant disturbance or change is not a psychoactive effect for the purposes of this legislation?

Ms TIERNEY — We have relied on the definition and the practice of the New South Wales legislation.

Ms PATTEN — I am not aware of what the New South Wales definition is. In other words, what you are saying is that it does not make unlawful a product that causes a disturbance or change to motor function, thinking, behaviour, perception, awareness or mood so long as that disturbance or change is not significant?

Ms TIERNEY — That is right.

Ms PATTEN — Just to clarify that: two glasses of wine not exceeding .05, for example, may cause a change in a person's motor function, but not such a significant change as to impair a person's ability to drive. In this way we already permit an effect, but not a significant effect upon motor function, in our existing driving laws. Is that correct?

Ms TIERNEY — What would be an appropriate example is how caffeine really does not have a significant effect upon a person's functioning. Food and drink are generally excepted, as I understand it.

Ms PATTEN — Just to go back, what we were talking about was a significant effect. I would obviously agree with you that most food does not have a significant effect. I go back to my analogy of two glasses of wine, which is less than .05, which is not seen as impairing a driver. I am just trying to clarify whether that level of effect would be considered significant or not.

Ms TIERNEY — There is a general rule of thumb, as I said, that food and drink would not be considered as significant, but I have been advised, and as I understand it, that it is kept general so that the courts, at the end of the day, will determine the level of significance.

Ms PATTEN — Thank you, Minister. In likening then the threshold in this bill to the Road Safety Act, being another act of this Parliament, would you say that a significant disturbance or change threshold is like the threshold for 'impaired' in section 49 of the Road Safety Act?

Ms TIERNEY — The advice I have received is that it is about the drug itself, not the impact that it actually has on the individual.

Ms PATTEN — Thank you, Minister. I find that curious, given that the definition in the legislation is 'the stimulation or depression of the person's central nervous system resulting in a significant change to motor function, thinking, behaviour, perception, awareness or mood'. I would have to suggest that was of a person; that is not actually pertaining to the drug. In my understanding it says that this is about having a significant disturbance or a significant change to behaviour, perception, awareness or mood, not that it is a significant drug. I do not see how this cannot pertain to the person.

Ms TIERNEY — The advice I have received is that it is not appropriate to compare the definition of psychoactive effect to a blood alcohol reading. That is because, as the member states, it is the impact on a person when consumed, not necessarily the intoxication of the person.

Ms PATTEN — Thank you, Minister, for that clarification. Rather than a blood alcohol rating I was getting to the point of likening the threshold to 'impaired', as in section 49 of the Road Safety Act. That does not necessarily relate to blood alcohol; that actually relates to someone being impaired. A judge could find impairment due to lack of sleep. There could be a whole range of reasons that you were impaired in your driving. It does not purely refer to blood alcohol ratings. I guess I am just trying to get an idea of where 'significant' stands in relation to other legislation, such as the Road Safety Act and the use of the word 'impaired'.

Ms TIERNEY — The matters that the member raised are indeed important points, and that is why it is important for the courts to actually determine the degree of significant impairment.

Clause agreed to; clauses 5 to 7 agreed to.

Clause 8

Ms HARTLAND — Having done a number of these bills over the last 11 years, none of them have been particularly effective in actually dealing with the situation. I will give a classic example. Several years ago we did a ban the bong bill. I am not known for my

grand IT skills, but within about 30 seconds of going online I found a number of sites where you could just buy these products online. How will this prevent people from being able to buy online or through various black market arrangements rather than through shops?

Ms TIERNEY — Ms Hartland, the promotion offence is only intended to capture the physical advertisements; it is not intended to capture online advertisements. This ensures that the offence does not inadvertently capture young people who may post online about substances that they have heard of or tried. The persons advertising psychoactive substances for sale online will still be able to be caught before any purchase is made as the definition of 'sell' includes offering for sale. Does that assist?

Ms HARTLAND — How is this going to be monitored, Minister? How effective is this going to be? Is there going to be a police officer monitoring all of these sites every day? Or is it that, as it has been when we have had this kind of legislation before, that becomes the major fault?

Ms TIERNEY — Victoria Police (VicPol) is well aware of the sites and monitors on a continuous basis any potential new online avenues that may be available.

Ms HARTLAND — Minister, there could be thousands of these sites. How is it that VicPol would be able to monitor all of them? I would think that as soon as one is closed down a new one will be set up and then VicPol will just be constantly running after new sites.

Ms TIERNEY — Obviously, Ms Hartland, that will be a matter for VicPol in terms of making sure they can monitor those aspects of this bill as effectively as possible.

Ms PATTEN — Minister, in relation to clause 8, I am just wondering if you can confirm that it is not an offence to possess a psychoactive substance under that part or otherwise in the act other than for the purposes of production, sale or supply.

Ms TIERNEY — The simple possession of a synthetic drug will not be an offence. The laws are focused on stopping the synthetic drug trade in Victoria — retail outlets and those responsible for it — banning the production, sale and promotion of these dangerous drugs.

Ms PATTEN — Thank you, Minister. So the possession of a psychoactive substance for personal use is not an offence. Can the minister confirm that it is not an offence to consume a psychoactive substance under that part or otherwise in the act?

Ms TIERNEY — This approach is in line with similar schemes interstate, such as in New South Wales and Western Australia. However, police will be able to search for and seize synthetic drugs, like they can any other illicit drug. This does not mean that the possession of a synthetic drug is necessarily illegal, Ms Patten. The government will still be able to escalate its response to specific synthetic drugs that are identified as posing a significant risk to the community by adding them to the list of prohibited drugs of dependence set out in schedule 11 of the Drugs, Poisons and Controlled Substances Act 1981. This will enliven the existing illicit drug offences, including possession of a drug of dependence and trafficking offences. Many synthetic drug compounds are already listed as prohibited under the Drugs, Poisons and Controlled Substances Act 1981.

Ms PATTEN — Thank you, Minister. That does clarify it. I just want to confirm that, yes, if a drug is already listed, then of course it is already illegal to possess and use, but presuming that the psychoactive substance is not listed in the schedules, then there is no offence to consume or possess the substance under this part or otherwise in the act.

Ms TIERNEY — If it is not listed, it will not be an offence.

Clause agreed to; clauses 9 and 10 agreed to.

Clause 11

The ACTING PRESIDENT (Mr Elasmar) — I call on Mr O'Donohue to move his amendments 2 to 5 to update the quantities used in example 1 in the definition of 'aggregated large commercial quantity' in the principal act as a consequence and a test of his substantive amendment 6.

Mr O'DONOHUE — Thank you, Acting President, for outlining the amendments that I am seeking to move to clause 11. I move:

2. Clause 11, line 16, omit "750" and insert "500".

3. Clause 11, line 19, omit "750" and insert "500".

4. Clause 11, line 21, omit "3/5" and insert "9/10".

5. Clause 11, line 22, omit "10/5 or 2" and insert "23/10 or 2.3".

As you say, Acting President, my amendments 2 to 5 are a test for my substantive amendment 6. The current existing quantities for 'aggregated large commercial quantity' are 750 grams and 1 kilogram respectively. The government's bill reduces that to 500 grams and

750 grams respectively. What I seek to do with these amendments is reduce that further to 375 grams and 500 grams respectively, consistent with the policy position that the then Attorney-General outlined in late 2014. The policy position of the opposition has been consistent since former Attorney-General Robert Clark first outlined it. I am seeking, through these amendments, to put that position.

Whilst we welcome the changes to the quantities the government has in its bill, we do not believe they go far enough. We want to send a very clear message, and it is for that purpose that I move these amendments.

Ms TIERNEY — I will deal with all the remaining clauses that are before the house because they go to the issue of quantity. I inform the house that the government does not support any of the amendments proposed by the opposition. The proposed quantity reductions in the bill were developed after very careful consideration and consultation with Victoria Police. They are based on data about previous drug seizures and our understanding of the practices of ice traffickers. By contrast, the proposed additional reductions to the large commercial quantities appear to have been chosen on the basis of an arbitrary reduction of 50 per cent on current figures.

In developing the bill the government examined police forensic data related to the distribution of seizures of methamphetamine with respect to drug mass — that means drug weight — in recent years. The government also sought advice on the number of street doses that high-purity ice equates to. We also looked at the new quantity thresholds in the bill that are designed to increase the number of seizures caught by the commercial and large commercial offences in the most effective way having regard to the dynamics of the ice trade.

The reduction of 50 per cent for commercial quantities in the bill specifically targets a section of the market that we know has become particularly active, and that is the mid-level dealer. Arbitrarily reducing the amounts required for commercial quantities further is unnecessary and could impact on the criminal justice system. The main reason for this is that it is more likely that an accused person who would now be facing large commercial trafficking charges rather than commercial trafficking charges would contest those charges due to the increased sentence and confiscation powers they were faced with. The proposed changes would also impact on the prison system if the changes resulted in increased prison terms.

Ms HARTLAND (Western Metropolitan) — The Greens will not be supporting these amendments.

Committee divided on amendments:

Ayes, 18

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

Noes, 20

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

Pairs

Ondarchie, Mr	Shing, Ms

Amendments negatived.

Clause agreed to; clause 12 agreed to.

Clause 13

Ms PATTEN — Regarding clauses 13 to 15 around search, seizure and forfeiture, I am just wondering if I can get agreement from you about the assessment of the Minister for Police, Ms Neville, in her statement of compatibility that these new powers do not limit section 20, which is property rights, of the Charter of Human Rights and Responsibilities.

Ms TIERNEY — I am advised that the answer is no.

Ms PATTEN — Just to confirm, what I was asking was whether you agreed with the assessment of the minister in her statement of compatibility that these new powers do not limit section 20 of the charter.

Ms TIERNEY — Yes.

Ms PATTEN — It would have been unusual otherwise. So is it correct that the government does not intend to issue an override declaration with respect to those clauses of the charter?

Ms TIERNEY — No, it does not.

Clause agreed to.

Clause 14

Ms HARTLAND — Minister, I know this is an operational issue, but as the clause allows police to search for and seize the psychoactive substances, again it goes to that issue of — I understand how that would be quite easy to do in shops — how that is going to be possible with online sellers. How is it going to be possible for Victoria Police to be able to track and seize these products?

Ms TIERNEY — The police have the search and seizure powers, but obviously it depends on the intelligence that they receive in terms of knowing that the product is being sold or promoted online.

Clause agreed to; clauses 15 to 20 agreed to.

Clause 21

Ms HARTLAND — Minister, again this goes to my history with having done a number of these bills. We keep on adding new lists to these bills, and in a few months time we will do another bill and we will add another list. They are always totally ineffective, so why is it that the government did not look at a different way of dealing with this, such as the New Zealand model, where substances cannot be brought onto the market until they are proven safe?

Ms TIERNEY — As I understand it, there have been a number of discussions in which the New Zealand system has played a role. In 2013, as I understand it, the New Zealand government implemented a scheme to regulate the sale of psychoactive substances. The scheme allows for the manufacture, importation and sale of psychoactive products as long as they are approved for use and pose no more than a low risk of harm. Unapproved products are banned.

The New Zealand scheme differs from other schemes in that it permits the sale of low-risk psychoactive substances for recreational use. A person or business may undertake a harms assessment and attempt to prove the product is safe. This involves meeting all premarket requirements, including the development of quality systems for manufacturing and safety testing and assessing the pharmacological, psychoactive and toxicology effects of the substance and potential for dependence.

If the New Zealand Psychoactive Substances Regulatory Authority assesses the product as having a low risk of harm, the person or business may be licensed to manufacture, import or sell the product. According to the website of the New Zealand Psychoactive Substances Regulatory Authority there are currently no approved products. The website advises that due to the New Zealand prohibition on the use of animal testing for purposes of assessing psychoactive products it is unlikely that there will be any approved products for at least the next three years. As a transitional measure the New Zealand government introduced a system of interim approvals and licences but cancelled this in 2014, resulting in the recall of all psychoactive products from the New Zealand market.

The Victorian government did not consider adopting the New Zealand scheme in Victoria. The scheme assumes that psychoactive substances should be legally available if they are approved as low risk and safe for recreational use. The Victorian government does not believe that psychoactive substance products that mimic the effects of an illicit drug should be classed as low risk and safe for recreational use. The long-term health effects of such drugs are unknown. Moreover, adverse reactions to psychoactive drugs can occur for any number of reasons, including the size, weight and general health of a person as well as whether the person has taken a larger than usual dose, is used to taking a particular drug or has taken other drugs at the same time. In the government's view it is not possible to rule out harm, nor is it desirable to accept a low risk of harm in connection with the recreational use of these drugs.

Ms HARTLAND — Minister, I would agree that a number of these drugs are extremely harmful and that is the problem with them. That is why the Greens have continued to talk about the New Zealand model. My problem is that we just keep on adding substances to lists. In three months time we will add a few more, and then we will add a few more, and we actually do not do anything about dealing with the issue. It is for those reasons that the Greens will vote against this particular clause.

Ms TIERNEY — The provisions will complement, not replace, the current approach of prohibiting specific synthetic drugs based on their chemical structure. Consequently the bill also adds several further synthetic drugs and classes of drugs to the list of illicit drugs in the Drugs, Poisons and Controlled Substances Act. These substances are already subject to temporary provisions under regulation.

Ms PATTEN — Thank you, Minister, for clarifying why you would not consider a low-risk system, such as New Zealand. I know I am probably stating the obvious, but when you say that you will not accept any low-risk harm for psychoactive substances, of course we do with tobacco and alcohol, both being psychoactive substances and both actually causing

more harm than any other psychoactive drug put together.

Following on from Ms Hartland's question, my question is around this continuing scheduling of substances, which we know just creates new substances. This is happening not just in Victoria and in Australia; it is happening internationally. As one product is scheduled, a new product comes up, and I appreciate that this bill is effectively attempting to change that. Has any consideration been given to the fact that these substances are becoming more dangerous and are actually becoming more experimental as this list grows longer? So as you ban another one, has there been any consideration that this is actually leading to more dangerous drugs being introduced onto the market?

Ms TIERNEY — On advice, I understand the development of the bill and the formatting we agreed to were primarily on the advice provided by Victoria Police. I do recognise the broader question that you are asking, which I think is a question facing all jurisdictions, not just in this country but elsewhere, in terms of how you capture what are a range of drugs that have not even been invented yet. That is a challenge, as I said, for all jurisdictions.

Clause agreed to.

Clause 22

Ms HARTLAND — The Greens will be voting against this clause, and we will be dividing upon it. Again it goes to the same issue of lists of drugs that will change again in a few months time. We never totally address the issue.

Committee divided on clause:

Ayes, 33

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

Noes, 6

Barber, Mr (*Teller*)	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Hartland, Ms	Springle, Ms (*Teller*)

Clause agreed to.

Clauses 23 to 26 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Murchison-Tatura Road

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Roads and Road Safety, and once again I bring to the minister's attention the terrible condition of the C357, the Murchison-Tatura Road. My request of the minister is that he commits to funding a full upgrade of the Murchison-Tatura Road that reflects the quantity and type of vehicles that use it now and will use it in the future.

The condition of the Murchison-Tatura Road is an issue that I have spoken about many times in the past, and it disappoints me to return to the chamber to raise the condition of this road with the minister yet again. This road is a major arterial road that connects the Goulburn Valley Highway at Murchison East to the Midland Highway north-west of Tatura. The road carries a high volume of vehicular traffic — cars but also a large number of trucks and buses. It is the main thoroughfare used by heavy vehicles to transport produce from nearby farms.

It had appeared that my many months of advocacy on the issue had finally borne fruit when I received an undertaking from the minister back in March that work to reseal the Murchison-Tatura Road was soon to commence. But the works carried out are just as we would expect from all of Daniel Andrews's projects in the bush — it is a shoddy quick-fix approach that simply does not cut it with regional Victorians.

I recently had contact with a constituent living on the Murchison-Tatura Road, who highlighted numerous problems faced by motorists using the road. She said that while the resealing was welcome, many dips have appeared as a result, and potholes are already forming at either end of the resealed section. The edges of the new bitumen are too soft and are already breaking away, creating loose stones that are a danger to motorists and damaging to vehicles. It is clear that the latest work is similar to previous works on the Murchison-Tatura Road — spot repairs that prove insufficient for the large number of users that travel on the road on a daily basis.

As well as the condition of the road itself, my constituents have pointed out other factors that contribute to the road being unsafe for motorists. Residents have said that the vegetation on either side of the road is so thick it is preventing proper drainage, and large pools of water are forming on the road when it rains. This creates a dangerous situation for motorists travelling within this 100 kilometre-per-hour zone, particularly visitors who are not familiar with the road.

Property owners have told me that they have tried to gain access to slash the vegetation along their boundaries, but they have been unable to do so due to the large table drains that run along the road. These table drains prevent motorists from pulling over to the side of the road in an emergency, and there have been incidents of vehicles falling into the drains, and they have had to be removed by nearby farmers.

The condition of the Murchison-Tatura Road is an issue that has gone on for far too long, and I welcome VicRoads's recent calls for local residents to provide feedback on how to make the road safer. My constituents know this road, and I urge VicRoads to take heed of their suggestions.

Family violence action plan

Ms SPRINGLE (South Eastern Metropolitan) — I rise today with an adjournment matter for the Attorney-General. The Royal Commission into Family Violence recommended amending the Infringements Act 2006 so that victims of family violence could have a traffic infringement withdrawn or revoked in certain circumstances. This recommendation has been implemented, and I congratulate the government on doing so.

The change was to have meant that victims of family violence who have fines put in their name by abusive partners and people fleeing family violence at the time of the offence are not penalised by the infringement system. However, the purpose of the provision is being undermined by mandatory toll cost orders. The court is currently required to impose a fine of $40 per toll offence on an applicant even if it is found that they are a victim of family violence and that the offending occurred because of that violence. In practical terms this means women are being forced to pay thousands of dollars worth of fines — in some cases up to tens of thousands — because of the actions of their abusive partners.

Some of these women are in a state of shock and terror when they use toll roads to flee abusive partners to seek refuge with family or in crisis accommodation. Others have had their abusive partners nominate them as a driver at the time of an infringement and have been unable to contest this due to fear of persecution or violence. This is clearly an immoral quirk of the system and it needs to be fixed. Fortunately, there is a simple solution. The action I am seeking from the Attorney-General is to amend the Infringements Act to reinstate the court's discretion to waive mandatory costs for victims of domestic violence. This will have the immediate effect of freeing women fleeing family violence of thousands of dollars in fines they should never have received in the first place.

Penalty rates

Mr GEPP (Northern Victoria) — My adjournment matter is for the Minister for Industrial Relations in the other place. Last week I was in Shepparton.

Ms Lovell — A great place.

Mr GEPP — It is a wonderful place. It is part of Australia's food bowl, providing over 28 per cent of Australia's horticultural requirements. It is also a regional city that is endeavouring to promote its visitor economy. For example, I was with the Minister for Sport last week when he announced that the under-19 Football Federation Australia team will be playing three games in the Asian Football Confederation qualifiers later this year. This will mean that Shepparton can expect an influx of visitors as not just the competing teams but supporters, family and friends from the four competing teams arrive in Shepparton in early November.

This should result in plenty of work, particularly in the hospitality and retail sectors. Many workers in the hospitality and retail sectors are reliant on the visitor economy for their work, especially on weekends. These workers had their Sunday penalty pay rates cut earlier this year by the federal coalition. These cuts will have a

profound effect on regional and rural economies, considering that 60 per cent of hospitality workers —

Ms Lovell — On a point of order, President, I would draw your attention to the question of relevance. Penalty rates are a federal government issue and not anything that would come under the jurisdiction of a state minister.

The PRESIDENT — There is a Minister for Industrial Relations, and I hope that the member does bring it back to that situation. I must say, though, that I did think it was the Fair Work Commission that brought down that ruling rather than the government.

Mr GEPP — These cuts will have a profound effect on regional and rural economies. Considering that 60 per cent of hospitality workers and 46 per cent of retail workers work weekends, many people have been affected. Modelling by the McKell Institute in its excellent report entitled *Unfair Burden: The Impact of Sunday Penalty Rate Reductions on Regional and Rural Australia* has shown that penalty rate cuts will remove over $13 million from the economy of the federal seat of Murray, of which Shepparton is a part.

Considering that this money will no longer be spent in the local supermarket or at the local mechanics or at the local footy club, it is an extraordinary amount of money to take off the state's lowest paid workers. The action I seek is that the minister provide me and the house with an update on how the government is advocating for the restoration of Sunday penalty rates in Victoria to continue to reinvigorate regional and rural economies.

Ms Lovell — On a point of order, President, as you rightly pointed out, that was a decision of the Fair Work Commission. It had nothing to do with state government administration, but also I do not believe there was any action called for by the member. I am just wondering whether that adjournment matter should stand or if it should be ruled out.

Mr GEPP — On the point of order, President, the action that I sought from the minister was to provide me and the house with an update on how the Andrews Labor government is advocating for the restoration of these Sunday penalty rates.

The PRESIDENT — I did hear the matter. Mr Gepp is a new member to this chamber. I would advise that it has been my view in the chair that to ask for advocacy to the federal government, or indeed other governments, is not an action in the context of our adjournment. I will give Mr Gepp a chance to rephrase his action.

Mr GEPP — On that basis, President, what I seek from the Minister for Industrial Relations is an update on the action that the Andrews Labor government is taking for the restoration of Sunday penalty rates as they impact on constituents in my electorate of Northern Victoria Region.

Kingston City Council

Mr DAVIS (Southern Metropolitan) — My adjournment matter tonight is for the attention of the Special Minister of State, and it concerns the Kingston council. I am aware of a podcast of the Kingston council meeting of 28 August this year. At that meeting Cr Staikos said, and I am going to quote directly from it to give the background:

> I don't think it's fair for Cr Brownlees to say that there were secret meetings. We reported back to council every time after we had meetings. I also feel that there were secret telephone conversations between councillors perhaps and different people who were bidding for the sites and instructions being given about which sites to go for and which sites not to go for, and I don't know how that affected the probity of our whole process.

He was referring to a process relating to aged-care facilities of the Kingston council. Noting that this was a serving councillor in an open council session referring to what he regards as probity issues in a tender by a major metropolitan council, I regard it as quite concerning. If there were secret meetings, if there were secret phone calls that relate to this and tenderers were advised to either proceed or not proceed with certain locations, I would regard that as a very, very serious matter indeed.

I am therefore seeking that the Special Minister of State, who is responsible for the local government inspectorate within the Department of Premier and Cabinet, initiate an examination by that inspectorate of these matters. It appears to me that this has a very grubby feel to it. Potentially it is a set of circumstances that could compromise what is an important tender by a significant council. I would seek those actions by the Special Minister of State with respect to the local government inspectorate. If he is not able to initiate those actions directly, I ask him to pass this adjournment matter to the local government inspectorate and ask that they review the material that is contained in the podcast from the City of Kingston of 28 August 2017.

Mrs Peulich — It's a confession.

Mr DAVIS — Well, whether it is a confession or not, it is sufficiently concerning that this should be a

matter for the inspectorate to investigate quickly and urgently.

Cyclist safety

Ms HARTLAND (Western Metropolitan) — My adjournment matter today is for the Minister for Roads and Road Safety. It has been great to see an increase in off-road cycling infrastructure in the west in recent years. However, this only meets some cyclists' needs. Some cyclists travel large distances, such as commuters from the Werribee area heading into the city. These cyclists go too fast for the off-road paths, which have gutters, slower cyclists and pedestrians, and often give way to other traffic. If they are going to cover these kinds of distances, they need to ride on the road. However, these cyclists often find themselves on roads not only where there is no bike lane but where cars need to move into the neighbouring lane to get past them. While we cannot always do everything about existing roads, I ask that the minister require all changes to roads on the strategic cycling corridors to take into account on-road cyclists' needs by providing adequate space in the left lane.

Bayles Regional Primary School

Mr MULINO (Eastern Victoria) — My adjournment matter tonight is for the Minister for Education. The adjournment matter relates to Bayles Regional Primary School. It is a fantastic primary school. It services the Bayles township and the surrounding area. It has a very strong academic program. Unfortunately, though, this school has a multipurpose room that is now quite old and that contains a significant amount of asbestos.

The government has a process of removing asbestos from schools underway — the asbestos removal program. I note that the minister has already visited a number of schools in my electorate. For example, he was in Yallourn last month announcing $1.5 million for Yallourn North Primary School and $600 000 for Moe (South Street) Primary School to deliver new buildings for these schools under the program. I would ask that the minister consider providing funding from the program for Bayles Regional Primary School to remove asbestos and that he visit the school at some point in the near future.

Aurora estate, Epping

Mr ONDARCHIE (Northern Metropolitan) — My adjournment matter tonight is for the Minister for Major Projects as the minister responsible for Development Victoria. I referred this matter on 10 August to the Minister for Planning in relation to his responsibilities around local areas, but he advised that in fact the Minister for Major Projects is now the minister responsible for Development Victoria.

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

In terms of fibre to the home, residents are getting very, very poor service, so much so that kids are struggling to complete their homework using the local internet service provider that they are forced to use. They cannot get access to Netflix, to Facebook, to videos or to anything that would help them with their studies. What has also happened is the Labor members in the northern suburbs that have been approached about this have gone absolutely quiet. This is a project they promoted as being a wonderful new innovative estate for the northern suburbs, and they have failed to deliver. Internet service is so bad out there that not even a printing company could operate in Epping North. The residents have said to me they have been trying to talk to Development Victoria, formerly Places Victoria, for a long time. They have had many, many months of discussions about how they are going to fix up their internet service, provided through Development Victoria, and they are getting little or no response at all.

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

The PRESIDENT — Can I just clarify this? This is deja vu; I have heard a large part of that issue in recent days. Was that in an adjournment, or was that at another part of our proceedings? And is the action you seek tonight quite different to what you have sought previously?

Mr ONDARCHIE — It is slightly different, President, because I have referred this to the Minister for Planning, who wrote back to me and said that it actually falls under the Minister for Major Projects and that I should redirect this to that minister.

The PRESIDENT — Was it an adjournment item on the last occasion?

Mr ONDARCHIE — It was.

The PRESIDENT — Theoretically matters that are raised in the adjournment should only be raised once. Given that it is for a different minister, I will allow it through tonight.

Victoria Legal Aid

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Attorney-General. The recent report by the Law and Justice Foundation of New South Wales evaluating the Victoria Legal Aid (VLA) summary crime program provides a disturbing picture of a system in crisis. The report details how the increased demand for summary crime services, without the necessary funding and resources to meet this demand, is threatening the appropriateness and sustainability of VLA's summary crime services. The wellbeing of duty lawyer service staff is currently being jeopardised, as is the willingness and financial viability of private practitioners doing VLA-funded work. At the same time, the demand for legal aid assistance is expected to continue to increase.

Resources for prosecutions, registry and magistrates are also insufficient in a summary crime system that is overloaded with a higher concentration of disadvantaged and complex clients, many of whom have more and more complex and serious matters and a rise in custody matters. This is resulting in fraying relationships between agencies within the system and causing long delays in matters being dealt with.

The Law and Justice Foundation report makes 23 recommendations that would improve the VLA summary crime services and the summary crime system more broadly, ranging from sustainable funding, operational changes to the summary crime system, more support for self-represented litigants, an enhanced and extended duty lawyer service, and processes that will enable less serious offences to be dealt with outside the courts, such as revamping the cautioning system used by Victoria Police.

Changes that could be implemented quickly to alleviate the stresses on the Magistrates Court and those who work there would include introducing a notice of charge process as advised by the Honourable Paul Coghlan, QC, in his stage 2 bail review report, examining the notice of pleading process in New South Wales, establishing a night court to sit from 4.00 p.m. to 10.00 p.m. and urgently upgrading audiovisual links so that they work more efficiently and smoothly, as has occurred in New South Wales and Western Australia.

More also needs to be done to prevent crime through greater investment in secure public housing, drug and alcohol rehabilitation, and community mental health services, which in particular need to be examined in light of concerns that the national disability insurance scheme rollout may not sufficiently cover community mental health.

I ask the Attorney-General to work closely with all agencies in implementing the recommendations from the summary crime review as soon as possible, as well as to seriously consider the additional points I have raised to help ease the burden on the Magistrates Court and all agencies that work there, and to provide an urgent funding boost to VLA to increase the number of duty lawyers, given the unsustainable and unacceptable pressures that they are working under.

Kingston City Council

Mrs PEULICH (South Eastern Metropolitan) — Some time ago I raised a matter here for the attention of the Minister for Finance in relation to the illegal dumping of asbestos at Bicentennial Park by contract to the City of Kingston. The minister responded via the media that he had no intention of taking further action. Since that time I have come to receive some very detailed notes of actions surrounding the dumping of asbestos at Bicentennial Park and the recriminations that ensued, including an internal investigation which found that there was a complete failure of due diligence in the awarding of the contract, that records were altered after the issue found its way into the media and that the public and some staff were placed at risk of exposure to asbestos.

It goes on to say that the council had also employed a legal firm — and I will not say which one — to conduct several investigations and that one of them was to investigate the dumping of asbestos, but the disturbing elements are that there was then pressure to change that particular report. The consequence of all of this was that a lowly team leader's employment was terminated, and the claim was made that he was the sole reason for the asbestos being dumped at Bicentennial Park.

It seems to me, from reading all of this, that there is far more to it, and it is certainly something that is serious,

especially in terms of any possible illegal cleansing or destruction of records. The council documents database, it says, has seen these documents deleted, and there is a need for forensic review of the council documents database to see who accessed what documents and when they were accessed.

So I am actually calling on the Special Minister of State to also ask the local government inspectorate to undertake an investigation, and I am more than happy to provide all of this documentation which was provided to me on a confidential basis for full investigation, because indeed if any element of this is true, it does require some fairly serious action.

Responses

Ms PULFORD (Minister for Agriculture) — I have nine adjournment matters that have been raised by members this evening: Mr Davis and Mrs Peulich for the Special Minister of State; Ms Pennicuik and Ms Springle for the Attorney-General; Ms Hartland and Ms Lovell for the Minister for Roads and Road Safety; Mr Gepp for the Minister for Industrial Relations; Mr Mulino for the Minister for Education; and Mr Ondarchie for the Minister for Major Projects. I will seek responses for all members from the relevant ministers.

The PRESIDENT — On that basis, the house will stand adjourned until tomorrow morning.

House adjourned 7.31 p.m.