PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Tuesday, 31 October 2017

(Extract from book 18)

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 16 October 2017)

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

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The Honourable LINDA DESSAU, AC

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The ministry

(from 13 September 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
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Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

The Governor

The Honourable LINDA DESSAU, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 12 September 2017)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence (until 23 August 2017)	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

Privileges Committee — Ms Hartland, Ms Mikakos, Mr O'Sullivan, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

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

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Ms Dunn, Mr Eideh, Mr Finn, Mr Gepp, Ms Hartland, Mr Leane, #Mr Melhem, Mr Ondarchie, Mr O'Sullivan and #Mr Rich-Phillips.

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

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

participating members

Legislative Council select committees

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

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

Joint committees

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

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

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

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

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr O'Sullivan, Mr Ramsay and Mr Young. (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan.

Family and Community Development Committee — (*Council*): Dr Carling-Jenkins and Mr Finn. (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish.

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

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

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

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

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

Heads of parliamentary departments

Assembly — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President:
The Hon. B. N. ATKINSON

Deputy President:
Mr K. EIDEH

Acting Presidents:
Ms Dunn, Mr Elasmar, Mr Melhem, Mr Morris, Ms Patten, Mr Purcell, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

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

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

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

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

Leader of the Greens:
Dr S. RATNAM

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

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

PARTY ABBREVIATIONS

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

CONTENTS

TUESDAY, 31 OCTOBER 2017

Tuesday, 31 October 2017

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 12.04 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (12:05) — On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first peoples of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past and present and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

ROYAL ASSENT

Message read advising royal assent on 24 October to:

Drugs, Poisons and Controlled Substances Amendment (Real-time Prescription Monitoring) Act 2017
Environment Protection Act 2017
Health Legislation Amendment (Quality and Safety) Act 2017
Parks and Crown Land Legislation Amendment Act 2017.

CONDOLENCES

Sir Ninian Stephen

The PRESIDENT (12:06) — I would like to formally record on this occasion the death of Sir Ninian Stephen. Australia's only immigrant Governor-General, he was born in Britain in 1923 but arrived in Melbourne in 1940 aged 17. He studied to become a lawyer and was admitted into practice in Victoria as a barrister and solicitor in 1949 after studies at the University of Melbourne.

He served between 1941 and 1946 in the Australian Army, and he was an infantryman during World War II, serving in both New Guinea and Borneo. Appointed to the Victorian Supreme Court bench in 1970, he moved on to the High Court of Australia in 1972. Sir Ninian was sworn of the Privy Council of the United Kingdom in 1979 and sat as a member of its judicial committee. In 1982 the then Prime Minister, Malcolm Fraser, chose him to replace Sir Zelman Cowen as Governor-General. Sir Ninian stepped down in 1989 to become Australia's first ambassador for the environment under Bob Hawke, the then Prime Minister, and he worked hard to ban mining in Antarctica.

In 1992 the British and Irish governments chose Sir Ninian to head a new round of peace talks in Northern Ireland. He was also a judge for the international criminal tribunal investigating war crimes in the former Yugoslavia. Approaching his 80s, Sir Ninian remained in demand, advising on South Africa's constitution and helping negotiate a way through a political impasse in Bangladesh. He worked for the International Labour Organization in Burma and was involved in setting up a tribunal to hear cases involving atrocities committed by the genocidal Khmer Rouge killing fields regime between 1975 and 1979. He also helped to draft a constitution for Afghanistan after the 2001 ouster of the Taliban.

In a very distinguished career and as a remarkable Victorian in terms of his contribution not just within this state but within this country and indeed internationally, he was recognised with many honorary doctorates including from Melbourne University, Sydney University, Griffith University and the University of Western Australia. He was an honorary master of Gray's Inn in London and became a commander de la Légion d'honneur.

Our thoughts are with his friends and relatives, and our appreciation of his great service to this state and nation is acknowledged by this house. I am sure all members would join me in that acknowledgement.

Honourable members — Hear, hear!

PETITIONS

Following petitions presented to house:

Sunbury development

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the Jacksons Creek valley, Sunbury, Victoria, Australia, from Rupertswood Mansion to the Emu Bottom wetlands needs to be saved from being built on. This historic valley has 1000-year-old Aboriginal rings. Our first European settlers came here. We have the state-significant Canon Gully and many endangered fauna species. It's the same valley that Victoria's oldest homestead is located in. Sunbury has 19 000 homes planned, and this valley has 406 planned. That's only 2 per cent of the total that needs to be stopped to ensure this beautiful historic valley is saved for all future generations of Victorians to enjoy.

The petitioners therefore request that the Legislative Council call on the government to ensure no housing or other

buildings other than a tourist-museum-education centre (not a school) in the Jacksons Creek valley from Jacksons Creek at the rear of Rupertswood Mansion to the boundary of the Emu Bottom wetlands across to Racecourse Road and 400 metres east of the well-defined ridge line that follows Jacksons Creek, Sunbury, and the green wedge and rural conservation zones to remain.

By Mr FINN (Western Metropolitan) (609 signatures).

Laid on table.

Ordered to be considered next day on motion of Mr FINN (Western Metropolitan).

Ballarat railway station precinct

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that we do not support the permanent transfer of land at the Ballarat station to a private developer and do not think that the construction of a 'hotel', exhibition centre and retail on the site will activate the site with people and integrate with the CBD.

The petitioners therefore request that the Legislative Council call on the Minister for Planning, Mr Richard Wynne, to reject the current development plan proposed by Regional Development Victoria for a hotel and convention centre and apply the $25 million already allocated in the state budget for the site to convert the historic goods shed to a bus interchange, provide formalised public car parking for over 500 cars and build an underpass with stairs and lifts to all train and bus platforms for Disability Discrimination Act compliance.

By Mr MORRIS (Western Victoria) (242 signatures).

Laid on table.

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

Electricity industry

Legislative Council electronic petition:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that privatised power companies are making consumers pay for their upgrades, while they take the profits.

We the petitioners highlight to the Legislative Council of Victoria that we believe United Energy has —

(1) tried to shift costs to consumers, related to maintenance and upgrades of their assets;

(2) failed to upgrade and maintain their assets, for example, the corner of Herbert Street and Como Parade in Parkdale;

(3) created a safety hazard and risk to the community next to a kids playground, a maternal and child health and breastfeeding support building and powerlines connected to an aged-care facility with people on life support in the municipality of Kingston.

The petitioners therefore request that the Legislative Council call on the state government to immediately conduct a wideranging regulatory inquiry into the electricity industry covering —

(1) the practice of making consumers pay for maintaining or upgrading assets;

(2) the practice of forcing consumers to pay specific companies to conduct such maintenance;

(3) whether electricity distributors such as United Energy are currently meeting legal obligations, guidelines, ISO standards, safety and maintenance obligations;

(4) a review of Energy Safe Victoria and the energy and water ombudsman Victoria;

(5) whether the regulatory environment (including enforcement, reporting and penalties) are 'fit for purpose'; and

(6) whether the energy and water ombudsman Victoria should be a consumer advocate with broader powers.

By Mr RICH-PHILLIPS (South Eastern Metropolitan) (122 signatures).

Laid on table.

Voluntary assisted dying

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) (695 signatures).

Laid on table.

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

VISIT VICTORIA

Report 2016–17

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

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 15

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest* No. 15 of 2017, including appendices.

Laid on table.

Ordered to be published.

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

VicForests operations

Mr FINN (Western Metropolitan) presented report, including appendix, extracts of proceedings and minority report, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr FINN (Western Metropolitan) (12:14) — I move:

That the Council take note of the report.

In moving this motion, I point out that a great deal of work has gone into this report. I commend my fellow committee members, who whatever their views may have been came to this committee table with the best of intentions and advanced their arguments in a civilised, decent and respectful manner, which is always a big tick. Indeed it is always a very big tick, as I am sure Mr Jennings will agree.

I would like to commend the deputy chair, Mr Gepp, Mr Bourman, Ms Dunn, Mr Eideh — although he was not there much — Mr Leane, Mr O'Sullivan and Mr Ondarchie for their contributions to this report. I also commend the staff of the committee: Pamie Fung, the inquiry officer, and Caitlin Grover, the research officer, who both put a great deal of work into putting this together; Prue Purdey, the administrative officer, who does a great job; and Lilian Topic, the secretary of the committee and chief slavedriver — as we have come to know her with a great deal of affection, and, as you say, Ms Crozier, in the nicest possible way.

This report looks at the important and complex area of supply of timber to industry in compliance with regulatory standards. Obviously we have some significant issues in a number of timber areas throughout the state, and my focus throughout this inquiry has been on employment within the timber industry and the need to ensure the sustainability of jobs. We are not just talking about people's jobs. We are talking about families' livelihoods and we are talking about communities' livelihoods. We are talking about the future of townships that are on the line just at the minute.

The forest, fibre and wood products industry directly employs around 21 000 people across the state, and indirectly supports another 40 000 to 50 000 jobs through flow-on economic activity. A lot of people depend on the future of the industry, to put not too fine a point on it. I believe to ensure the long-term sustainability of jobs the forest, fibre and wood products industry would benefit from improved management and accountability by VicForests. We need more robust planning by the Victorian government for the long-term transition of the industry. We also need ongoing transparency and accuracy around the supply of timber so that the industry has a clear understanding about what it can achieve in any given period. We need certainty from the government with regard to this area.

The forest industry task force was established by the state government in November 2015. The task force includes representation from the forestry industry and union and environmental groups, and was formed with the purpose of reaching a consensus on recommendations and proposals to government about issues facing the timber industry, job protection, economic activity and protection of threatened species. However, we have heard very little from this task force, which is yet to provide recommendations to government. It is my very strong view that funding may be better spent elsewhere on assisting those working in the industry or on supporting measures to enhance the industry's competitiveness within the global market for fibre and wood products.

These are issues that need addressing by government, and the fact that the forest industry task force is yet to actually put forward an idea after two years seems, to me, incongruous to say the very least. It is indicative of a situation where people in the industry, right

throughout the state, really do not know what is in their future. They really do not know from one week to the next what the government is going to decide, what recommendations will be put forward and indeed if they have any future at all. In the case of the Heyfield mill, whilst it was welcome in the immediate sense, in the long term you have to ask if that is a viable way of doing things.

We do need the government to get its act together on this one and VicForests to get its act together, and the forest industry task force might actually like to do something full stop. That would be a really good start. I recommend the report to the house and suggest to the house that it is a particularly good read.

Mr LEANE (Eastern Metropolitan) (12:19) — I was also pleased to be part of this committee inquiry. I want to thank my fellow committee members and especially the committee staff for their assistance. In considering this reference I found there was a need to balance the support of the industry and its continuation with the protection of our environment, especially some critical and endangered flora and fauna. As I sat through this reference and as it was completed, I got to the point where I think that our government has got our forestry policy exactly right. The hours we spent, the witnesses we had and the varying opinions led me to believe that it is exactly right.

One thing that struck me is that being a member of this great institution I do not want to be a member of this Parliament in a period of time when an emblem of ours, the Leadbeater's possum, becomes extinct. I think that is something we all need to work towards preventing. It is a critically endangered species, and in part that is because of some of the logging we do. A highlight for me was when I said that and my fellow committee member Mr O'Sullivan said to me, 'There's thousands of them, Shaun' — he interjected when I was asking a question. So I want to thank Mr O'Sullivan for taking this species off the critically endangered list. I am not too sure if that is his role or if he has the expertise to do that — I am sure he has not. As I said, I commend the balance in this report. I think our policy is exactly right.

Mr BOURMAN (Eastern Victoria) (12:21) — It gives me great pleasure to speak on this report. I just want to thank the secretariat and the committee because it is a very tight ship run by Mr Finn, I have to say, and not once did it get acrimonious even though we obviously had a wide range of opinions. My take from this whole thing after listening to all the evidence is that there is a way forward, but it needs recognition from everyone that there is a need for compromise. At this stage it seems we have opinions at 10 paces, and that is not going to keep the jobs. The way I see it there is definitely a way of keeping the jobs and keeping an environmental balance, but I think this report is only the first part of it. Hopefully people take note of it and it will not just end up another disaster in Gippsland.

Mr O'SULLIVAN (Northern Victoria) (12:22) — I also rise to speak on the inquiry into VicForests operations. I would like to thank the staff for all the work they did, particularly Lilian Topic. One of the things that is very clear in relation to this is that there are a lot of people involved in this industry: 21 000 directly involved and indirectly 40 000 to 50 000 people, which obviously involves their families and their communities as well. This report has provided us with seven recommendations in terms of some of the things that we have come up with that might assist in this debate.

There is no doubt that the critical element to this is getting the balance right. We need to get the balance right in protecting the endangered species involved. The timber workers and their families are the first endangered species. The second one is obviously the Leadbeater's possum, and there are other animals and little creatures out there as well that are impacted. What we need to do is get the balance right because, as we know, the products that are used by VicForests from the native timber industry are materials that we all use in our very own lives in terms of furniture, flooring, other building materials and paper.

This industry is heavily regulated. There are eight commonwealth laws, there are 40 Victorian laws and there are 15 regulations and 12 policies which VicForests is legally bound to. We have got the balance pretty right; it is heavily regulated in Victoria. We need to make sure that we continue to find a path forward which supports the people, the jobs and the communities as well as the protection of the Leadbeater's possum, which is important also. There is a balance going forward, and we need to find that balance.

Ms DUNN (Eastern Metropolitan) (12:24) — I am glad there is a lot of love in the room for the Leadbeater's possum — my work here is clearly starting to take shape. However, I am not going to sit down yet — I am only 10 seconds in. Firstly, before I talk to the substance of the inquiry, I would like to thank the secretariat for their support. There is no doubt that this inquiry had members with very different views in relation to approaching this subject. The work they have done in getting this report together has been exceptional, and I give them my deep thanks for what

they do — and they do that tirelessly time and time again for inquiry after inquiry.

Certainly I have provided a minority report in relation to this particular inquiry. It is not that I necessarily disagree with the recommendations, but of course they are based on a premise that there is an ongoing future for native forest logging in the long-term future of the state. The reality is that overcutting and bushfires have decimated our forests in this state, which means there can be no long-term future in native forest logging — unless we start to open up new tracts of forest, and it will be a dark day for this state if we continue to do that, because we will see not only species like the Leadbeater's possum, which has become a beacon for these forests, but we will see those 79 species dependent on forests for survival also run on a trajectory to extinction. I do not think any of us want that.

I would just like to comment that we have heard about 21 000 jobs a lot — 1101 of those jobs are in the native forest sector. There are certainly breakdowns of what those other jobs are, but it is worth putting that on the record: 1101 jobs in the native forest sector.

Motion agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2017–18

Ms SHING (Eastern Victoria) presented report, including appendices and extracts of proceedings, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Ms SHING (Eastern Victoria) (12:26) — I move:

That the Council take note of the report.

In doing so I would like to begin by acknowledging the extensive work undertaken by the secretariat in coordinating hearings, transcripts and a vast number of correspondences and communications with agencies and organisational and department heads. In particular to Dr Caroline Williams, Dr Kathleen Hurley, Mr Alejandro Navarrete, Mr Bill Stent, Dr Jeff Fang, Ms Leah Brohm, Ms Melanie Hondros and Ms Amber Candy, we remain indebted to you for your constant work and patience with the members of the committee in the hearings which took place earlier this year.

In this regard I would like to turn to the 35 recommendations which are set out in this particular report from the Public Accounts and Estimates Committee. Every year we are required to inquire into, consider and report to the Parliament on the annual estimates, receipts and payments or other budget papers and any supplementary estimates or receipts or payments presented to the Assembly and the Council. In doing this we are presenting a 12-chapter report which does comprehensively go through the amounts of output and expenditure within the 2017–18 budget following the hearings which were conducted between 12 May and 2 June with the Premier, the Treasurer, ministers, the parliamentary Presiding Officers and senior departmental officials all appearing before the committee. In this regard Mr Danny Pearson from the other place provided excellent stewardship in relation to keeping the committee on track, as tempted as some members were perhaps to stray into frolics of their own around matters which did not have any relevance to the budget itself.

Mr Davis — Oh, spare us!

Ms SHING — It is unfortunate to hear Mr Davis's interjection 'Oh, spare us!' from the other side of the chamber given that he was not there and given that also there were a number of very key initiatives that were discussed in the course of this particular budget. To that end I would like to just focus very briefly on a number of those initiatives: the $1.9 billion on family violence and the expenditure in implementing all recommendations of the Royal Commission into Family Violence have begun to create the groundswell of momentum for intergenerational change that is so desperately needed for the number one law and order issue that exists in this state; and, again, to look at the 3135 additional police officers that will be deployed across the state to make sure that we remove the boom-bust approach to police resourcing and to law enforcement in the state.

It was a pleasure and a privilege to have had Ms Louise Staley from the Assembly fill in for the period that Mr Danny O'Brien, also from the Assembly, was absent from the committee, and we are grateful for her input as part of the committee during that time.

I also want to pay our respects to the late minister, Fiona Richardson, who appeared at the Public Accounts and Estimates Committee and talked at length about the work being undertaken to change the way in which family violence is approached and the preventive and educational initiatives that have been introduced in our communities to make sure that this scourge is wiped out. We owe a debt of gratitude to

Ms Richardson. The committee was very grateful to her for her attendance right up until the very end of the hearings in June, when clearly it took an enormous amount of energy and stamina for her to appear at those hearings.

I note also that we did have the benefit of the Presiding Officers appearing at the hearings. It was nice to not have to comply with the direction when the person on her feet at this time was called to order by a witness who had been in the midst of answering a question before cheeky interjections were made. In that sense it is also good to know that the work the Presiding Officers do alongside parliamentary staff — the attendants and the very many people who make sure that this institution functions and functions well, often in difficult circumstances — goes on, and goes on assiduously so that we can maintain the reputation of the Parliament in all that it does.

The recommendations have a lot to commend them. They include measures to improve and increase transparency and accountability in the way in which public funds are clarified for the purposes of expenditure and to make sure that there is greater public confidence in the way in which budget processes are managed for the good of our communities across the board. I note in particular that the recommendations extend in large part to our regional communities. That is a huge part of the work that is being undertaken in policy and regulatory frameworks, and this is reflected in the budget expenditure itself. I would in that regard absolutely recommend the report to the house.

Ms PENNICUIK (Southern Metropolitan) (12:31) — I would like to speak briefly also on the report of the 2017–18 budget estimates. Can I say, as a member of the Public Accounts and Estimates Committee for the last three years and also in the years 2009 and 2010, that with this report and the previous reports of the last three years, the Public Accounts and Estimates Committee and particularly the secretariat have been striving to make these very readable and comprehensive reports on the budget estimates process, based on the hearings of the budget estimates but also on the questionnaires that go out to the departments prior to that. As Ms Shing said, the report also has quite a number of very good recommendations with regard to increasing the transparency and accountability of the budget estimates process. I think these are very good developments.

The Public Accounts and Estimates Committee just last week conducted its first forum on demystifying the budget papers, and I have to say that that was an idea that I put to the committee. Many people do find budget papers quite bamboozling and confusing, and a lot of electorate officers and other people did attend that forum and found it very useful. I think this report is also heading in that direction. It is making what goes on in that budget process much more understandable, comprehensive and useful to members of Parliament and members of the community, and that is what we should be striving for.

I recommend that everybody read this report from cover to cover. They will find a lot in it. In saying that, I express my thanks to the secretariat and staff of the Public Accounts and Estimates Committee, who should be commended for the work they have put into this report.

Motion agreed to.

OMBUDSMAN

Management of maintenance claims against public housing tenants

The Clerk, pursuant to section 25AA(4)(c) of the Ombudsman Act 1973, presented report.

Laid on table.

Ordered to be published.

PAPERS

Laid on table by Clerk:

Alpine Resorts Co-ordinating Council — Minister's report of receipt of 2016–17 report.

Federation Training — Report, 2016–17.

Fisheries Act 1995 — Report on the Disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2016–17.

Geoffrey Gardiner Dairy Foundation Limited — Report, 2016–17.

Gippsland Waste and Resource Recovery Group — Minister's report of receipt of 2016–17 report.

Goulburn Valley Waste and Resource Recovery Group — Minister's report of receipt of 2016–17 report.

Infrastructure Victoria — Report, 2016–17.

Land Acquisition and Compensation Act 1986 — Certification pursuant to section 7(1)(c) of the Act to not require the service of a notice of intention to acquire land.

North East Waste and Resource Recovery Group — Minister's report of receipt of 2016–17 report.

Office of the Commissioner for Environmental Sustainability — Minister's report of receipt of 2016–17 report.

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

Baw Baw Planning Scheme — Amendment C117.

Boroondara Planning Scheme — Amendment C253.

Cardinia Planning Scheme — Amendment C211.

Frankston Planning Scheme — Amendment C100.

Greater Geelong Planning Scheme — Amendments C352 and C371.

Hume Planning Scheme — Amendment C176.

Knox Planning Scheme — Amendment C156.

Latrobe Planning Scheme — Amendment C97.

Loddon Planning Scheme — Amendment C39.

Melbourne Planning Scheme — Amendments C190 (Part 1) and C295.

Mitchell Planning Scheme — Amendment C119.

Moira Planning Scheme — Amendment C79.

Mount Alexander Planning Scheme — Amendment C78.

Moyne Planning Scheme — Amendment C63.

Port Phillip Planning Scheme — Amendments C137 and C155.

Wangaratta Planning Scheme — Amendment C73.

Whittlesea Planning Scheme — Amendments C69 and C206.

Yarra Planning Scheme — Amendment C235.

Yarra Ranges Planning Scheme — Amendment C158 (Part 1).

Statutory Rules under the following Acts of Parliament —

Metropolitan Fire Brigades Act 1958 — No. 104.

Transport (Compliance and Miscellaneous) Act 1983 — No. 105.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 104 and 105.

Legislative instrument and related documents under section 16B in respect of Transport (Compliance and Miscellaneous) Act 1983 — Determination setting the application and annual fees relating to hire cars and taxicab licences, dated 2 October 2017.

Victorian Inspectorate — Report, 2016–17.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Commercial Passenger Vehicle Industry Act 2017 — Division 2 of Part 3 — 2 November 2017 (*Gazette No. S351, 17 October 2017*).

Owner Drivers and Forestry Contractors Amendment Act 2017 — 1 November 2017 (*Gazette No. S359, 24 October 2017*).

WorkSafe Legislation Amendment Act 2017 — remaining provisions — 26 October 2017 (*Gazette No. S359, 24 October 2017*).

PRODUCTION OF DOCUMENTS

The Clerk — I lay on the table two documents in full and 35 documents in part received in response to the resolution of the Council of 18 October 2017 relating to the business case for the proposed youth justice facility and the Public Accounts and Estimates Committee (PAEC) briefing folders provided to and used by the Secretary of the Department of Health and Human Services when appearing before the PAEC inquiries on 18 February 2016 and 15 February 2017.

I have received the following letter from the Attorney-General in relation to the resolution of the Council of 18 October 2017:

I refer to the Legislative Council's resolution of 18 October 2017 ordering the production of documents relating to the business case for the proposed youth justice facility and the Public Accounts and Estimates Committee (PAEC) briefing folders provided to and used by the Secretary of the Department of Health and Human Services (DHHS) when appearing before the PAEC inquiries on 18 February 2016 and 15 February 2017.

Response to the Legislative Council's current order

The government has identified 261 documents that fall within the scope of the Legislative Council's order, and has assessed these 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. in relation to the request for documents relating to the DHHS secretary's PAEC folders:

   (a) produce two documents in full and 35 documents in part; and

   (b) claim executive privilege over 35 documents in part and 222 documents in full; and

2. in relation to the request for documents relating to the business case for the proposed youth justice facility, claim executive privilege over two documents in full.

The government's claim of executive privilege over the documents referred to above is made on behalf of the Crown, on the basis that their disclosure would be contrary to the public interest on one or more of the bases described in my letters of 14 April 2015 and 29 April 2016. In compliance with standing orders 11.02(3) and 11.03(1)(a) the attached schedule refers to the documents in respect of which a claim of executive privilege is made.

Previous request by the Legislative Council for equivalent documents

I also note that the Legislative Council has previously passed equivalent resolutions ordering the production of documents relating to the business case for the proposed youth justice facility and the DHHS secretary's PAEC briefing folders, on 8 March 2017 and 10 May 2017 respectively. In responding to these previous orders, the government identified the same documents that have been considered in the context of the Council's current order.

The government responded to each of those previous resolutions by claiming executive privilege in respect of all documents identified within their scope, on the basis that their disclosure would be contrary to the public interest on one or more of the bases described in my letters of 14 April 2015 and 29 April 2016.

Response by certain departments to freedom of information requests

Subsequent to the government's response to the Council's previous resolutions, freedom of information requests were made to DHHS and the Department of Justice and Regulation (DJR) for access to certain documents relating to the DHHS secretary's PAEC folders and the business case for the proposed youth justice facility, respectively.

In response, I am informed that DHHS officials have released, in part or in full, certain documents relating to the DHHS secretary's PAEC folders. I also understand that the freedom of information request made to my department for access to the business case for the proposed youth justice facility was refused.

The decision taken by each of the DHHS and DJR officials in respect of the freedom of information requests received by their departments was made on the basis of an independent assessment made by those officials in accordance with the Freedom of Information Act 1982.

However, as certain documents relating to the DHHS secretary's PAEC folders are now in the public domain, the government has determined, on the basis of fresh legal advice, that its earlier claims of executive privilege over those documents (or parts of documents) ought not be maintained in the context of the Council's current order.

The government has otherwise determined that it is in the public interest to maintain its claims of executive privilege over all documents that have not been released in response to freedom of information requests received and processed by officials within DHHS and DJR.

BUSINESS OF THE HOUSE

Standing and sessional orders

Ms WOOLDRIDGE (Eastern Metropolitan) (12:43) — By leave, I move:

That so much of standing and sessional orders be suspended so as to provide that for the second-reading debate on the Voluntary Assisted Dying Bill 2017:

(1) each party is entitled to a lead speaker in favour and a lead speaker against the bill;

(2) each lead speaker is entitled to speak for a maximum of 45 minutes; and

(3) all other members are entitled to speak for a maximum of 25 minutes.

Motion agreed to.

General business

Ms WOOLDRIDGE (Eastern Metropolitan) (12:43) — By leave, I move:

That precedence be given to the following general business on Wednesday, 1 November 2017:

(1) notice of motion 452, in an amended form, standing in the name of Mr Davis in relation to production of certain documents;

(2) notice of motion given this day by Mr Finn in relation to integrity and criminal investigations;

(3) order of the day 1, resumption of debate on the Firearms Amendment (Advertising) Bill 2017;

(4) order of the day 37, resumption of debate on the motion in relation to apprenticeships and traineeships; and

(5) notice of motion 476 standing in the name of Mr O'Donohue in relation to crime statistics.

Motion agreed to.

MINISTERS STATEMENTS

Prisoner hepatitis treatment

Ms TIERNEY (Minister for Corrections) (12:44) — I rise to update the house on an important Andrews Labor government program to reduce the spread of bloodborne viruses such as hepatitis B and C both in the community and in the corrections system. Rates of hepatitis C are much higher amongst prisoners than in the general population, with a quarter of prisoners estimated to be living with hepatitis C in Victoria. Approximately 1 per cent of the general population are infected by hepatitis C. Given the high-risk nature of the prison population, the provision of treatment to

prisoners has a significant benefit to the community and to preventing the spread of this disease.

In 2015 the Andrews Labor government provided funding for a statewide hepatitis treatment program throughout the Victorian prison system for prisoners with chronic hepatitis B and C. This program is a comprehensive nurse-led model of care developed by St Vincent's Hospital, Melbourne, and is available to all prisoners who are found to have chronic hepatitis. Prisoners in the program receive a detailed liver health care plan which is used whilst they are in custody as well as on their return to the community. I wish to inform the house that the statewide hepatitis program has exceeded the target of 693 prisoners treated by September 2017. As of 30 September 2017, 953 prisoners had commenced the hepatitis C treatment, and of those, 364 prisoners are already considered cured. A cure is defined by a specific blood test being negative at 12 weeks post treatment completion.

I am also pleased to inform the house that the Andrews Labor government has extended this important program for another two years. I look forward to seeing further excellent results from a program that not only keeps our community safer but also contributes to the government's goal of eliminating hepatitis C as a public health concern.

Early childhood education

Ms MIKAKOS (Minister for Early Childhood Education) (12:47) — I rise to update the house on how the Andrews Labor government is providing greater support in the early years for children and families across the Latrobe Valley region. As part of the landmark $202.1 million Education State *Early Childhood Reform Plan*, announced in this year's budget, we committed $10 million to build three early childhood facilities at new government primary schools.

Recently, together with my colleague from Eastern Victoria Region Ms Harriet Shing, I had the pleasure of visiting the Latrobe Valley to announce that the first of these new early learning facilities will be built at Morwell Central Primary School and will provide three and four-year-old kindergarten programs as well as other services.

We know the co-location of early childhood facilities on a school site provides greater support for children in their transition from kindergarten to school, but it also means more families will be able to access improved parenting support and maternal and child health services as well as higher quality and more inclusive kindergarten programs.

Whilst in the Latrobe Valley Ms Shing and I also visited the Morwell Maternal and Child Health Centre to announce a range of initiatives as part of the government's $9.9 million Supporting Families of the Latrobe Valley investment package. Families in the region will now benefit from stronger early parenting support for children aged 0 to four years with advice on a range of topics such as sleep and settling, breastfeeding, health and nutrition. Eligible families will also have access to an additional 10 hours of enhanced maternal and child health services.

Flexible Latrobe Community Connect packages will also be introduced to help struggling families engage in their community. They can use this support to pay for things like registration and uniform fees for a sporting club.

The new funding will also build on work with the local Aboriginal community to operate a gathering place in Morwell and help advance Aboriginal self-determination. Combined, these projects will create new jobs in the region and support local families across Latrobe City, Baw Baw shire and Wellington shire.

MEMBERS STATEMENTS

Strzelecki Ranges timber harvesting

Ms DUNN (Eastern Metropolitan) (12:48) — On Wednesday last week I visited members of the community in Mirboo North to discuss their concerns about VicForests's plans to log state forest just to the north of the township. Community leaders were kind enough to give me a guided tour of the Lyrebird Forest Walk, showing me many of the rare plant species that can be found in the forest and the fruits of many thousands of hours of volunteer work by the community. My thanks to Marg Thomas for organising the visit.

If VicForests proceeds to log adjacent coupes, all this work will be put to waste. This forest will no longer be a beautiful retreat for locals and the backbone of the tourism sector in the area. Instead residents and passers-by will be subjected to the abhorrent spectre of logged and burnt logging coupes. I will stand with the residents of Mirboo North as they oppose the logging of states forests by VicForests. They know their forest trees are worth far more in the ground than they are from being converted into pulp and woodchips. The opposition to logging is justified, and I hope in the case of Mirboo North their opposition will triumph.

Cr Bronwen Machin and Cr Natalie Abboud

Ms DUNN — On a different matter, I would like to congratulate Cr Bronwen Machin from Mount Alexander Shire Council, who was elected mayor of that municipality, and also extend my congratulations to Cr Natalie Abboud, who was elected deputy mayor of Moreland City Council. Our congratulations to both of those very hardworking councillors.

Battle of Beersheba commemoration

Ms LOVELL (Northern Victoria) (12:50) — I rise to acknowledge that today marks the 100th anniversary of the charge of the ANZAC 4th and 12th light horse regiments into Beersheba, a conflict that became known in our military history as the Battle of Beersheba. The charge was crucial to the fortunes in the Great War as the capture of Beersheba was seen as the last hope for imperial forces to seize control of the Turkish bastion of Gaza. The regiment rode at full gallop for over 2 miles into the Turkish trenches, the horsemen using their rifle bayonets as swords to cut down their enemy and seize the trenches. The regiment continued riding another 2 miles to capture the town and secure vital water supplies.

The reason I rise today and speak of the 100th anniversary of the Battle of Beersheba is to acknowledge the leadership and bravery of the commanding officer of the 4th Light Horse Regiment, Lieutenant-Colonel Murray William James Bourchier, who led the charge. Murray Bourchier was a farmer from Strathmerton, a Murray River town in my electorate. In recognition of his deeds during the Battle of Beersheba, Bourchier was awarded the Distinguished Service Order and became known as 'Bourchier of Beersheba'. After the war Bourchier entered politics and served the Victorian Parliament for 16 years as the member for Goulburn Valley. In 1936 Bourchier was appointed the Victorian agent-general in London and represented Victoria at the coronation of King George VI and Queen Elizabeth.

It is fitting that on the 100th anniversary of the Battle of Beersheba we reflect on the lives of Murray Bourchier and other brave horsemen involved in this important battle. Last Saturday, together with members of Murray Bourchier's family and other descendants of lighthorse families along with Tim McCurdy and Damian Drum, I was honoured to attend a commemoration of the 100th anniversary in Sir Murray Bourchier's home town of Strathmerton. I thank and congratulate the Strathmerton planning committee for organising such a wonderful event.

Tour of Gippsland

Ms SHING (Eastern Victoria) (12:52) — I rise today to congratulate everyone associated with the Tour of Gippsland cycling criterium, which took place on Sunday, 22 October, and was a massive success. It was really great to attend in Traralgon and to see so many people come along to watch their heroes in men's and women's road racing really excel on the track in a variety of different weather conditions. Congratulations to all of the cyclists who came together to showcase some of the best of what we have to offer in this particular sport. It was also wonderful to be able to see the work that the Latrobe Valley Authority has continued to do in bringing elite sporting events to this part of the world.

Wonthaggi Secondary College

Ms SHING — It was a fantastic win for the Wonthaggi community last Friday when Premier Daniel Andrews and I attended Wonthaggi Secondary College to confirm $31 million in funding for a brand-new school and additional sporting facilities as part of our commitment to making sure that we deliver what the Liberals cannot and would not deliver when they were last in government. Despite the Assembly electorate of Bass being held by Mr Brian Paynter for the Liberal Party, the community of Wonthaggi has been consistently let down, and so in this sense it was wonderful to see the school community come together under the auspices of Darren Parker, along with Mayor Pamela Rothfield, to make sure this school can continue to have the support that it deserves from the Andrews Labor government. What a win indeed — a true community effort.

Ballarat railway station precinct

Mr MORRIS (Western Victoria) (12:53) — I rise to speak about the Ballarat railway station precinct, an issue that has certainly had me motivated for quite a period of time now. Just at 10.30 this morning there was an assembling of people concerned with the railway station precinct directly as a result of the lack of disability access at the railway station precinct under this government's plan to redevelop it.

It is a great shame that the Ballarat station is the only station along the Ballarat line that is not compliant with the Disability Discrimination Act 1992 (DDA), and this government is choosing to do nothing at all with its current upgrade of the site. At this point in time, people who are trying to access the train from where the government is proposing its multistorey car park to be would have to cross the train tracks themselves and

have a very uncomfortable ride to the station itself. There are plans that have been developed about how to make the station DDA compliant, but at this point the government has refused to even consider them, which is a great shame. I certainly congratulate those community members who are standing up to the government and saying, 'This is not what we want at the railway station precinct'.

Cr Samantha McIntosh

Mr MORRIS — I would like to congratulate Cr Samantha McIntosh, who was last night re-elected as the mayor of the City of Ballarat. She has done a stellar job over the last 12 months, which I am sure she will continue over the next 12 months.

Renaed Abdullah

Mr ELASMAR (Northern Metropolitan) (12:55) — Because we sat on Friday, 20 October, I was unable to attend the graduation ceremony for VCE students at Antonine College. I would, however, like to mention the student who received my award for academic excellence, Ms Renaed Abdullah. I am sure her parents are extremely proud of their daughter, and I congratulate her for attaining such a high standard of excellence.

Samir and Sethrida Geagea

Mr ELASMAR — On another matter, I was delighted to be present at the welcoming ceremony for Dr Samir Geagea and his wife, a member of the Lebanese Parliament, Ms Sethrida Geagea. They were both visiting Victoria from Lebanon. The event was organised by the executive members of the Lebanese Forces, Melbourne branch — and I know there were a few members at that function — a not-for-profit organisation that provides advice and social interaction to both newly arrived migrants from the Middle East and settled Lebanese Australians.

Merri Outreach Support Service

Mr ELASMAR — On Wednesday, 25 October, I was invited to attend a meeting of the Merri Outreach Support Service at the Hume Global Learning Centre in Broadmeadows. I met with the board of management's committee chair, Ms Karen Sherry, who spoke about her concerns regarding homeless people in the northern region. The meeting was very interesting, and I was impressed by the high level of commitment by these dedicated professional people.

Baha'u'llah birth bicentenary

Ms SPRINGLE (South Eastern Metropolitan) (12:56) — The Baha'i faith is a global religion which this year celebrates 200 years since the birth of Baha'u'llah, the prophet and founder of the faith. The Baha'i faith has formed part of Australia's religious and cultural fabric for nearly a century. As part of the bicentennial celebrations the weekend of 21–22 October saw a series of events around the country, including several in Melbourne. Local events were part of a global celebration from India to Germany and from Uganda to Chile.

I was fortunate enough to attend one of these celebrations in Mentone. I thank the organisers very much for a beautiful evening, which was also attended by Mrs Peulich and the member for Sandringham from the other place, Mr Murray Thompson. The Baha'i faith is one characterised by inclusiveness, universal peace and the unification of humanity. The faith recognises difference; it draws on different faiths but emphasises the interconnectedness of humanity. The principles and inclusiveness of the Baha'i faith are every bit as relevant today as they were 200 years ago. I join the Baha'i community in celebrating this wonderful milestone and look forward to many more to come.

Orbost Primary School

Ms BATH (Eastern Victoria) (12:58) — Last week I had the absolute pleasure of attending Orbost Primary School and enjoyed a guided tour by principal Tony Clark and grade 4 students Chelsey Wade and Brayden Fenner. As well as being outstanding young students they have both represented their school in athletics. Chelsey has competed in hurdles at a regional level, and yesterday Brayden represented his school in high jump at the state championships in Melbourne.

During the evening I was thrilled to officially open the school's new science, technology, engineering and mathematics room, and along with another brilliant teacher from Orbost Secondary College, Phoebe Porter, I judged the school's annual science night. Students were encouraged to design and demonstrate their own experiments. They entertained the crowd with Coke and Mentos, vinegar and bicarb soda, decalcified bones and much, much more.

I congratulate the students, parents and grandparents for getting so involved in their school community, and I particularly thank all the teachers and principal Tony Clark. Country schools are certainly great schools.

Orbost Neighbourhood House

Ms BATH — Next month the Orbost Neighbourhood House turns 30. Last week I had the privilege of attending the neighbourhood house and chatting with the coordinator, Liz Falkiner, and some of the internet users there. It is a hub for education, social interaction and connecting with the world. There are classes in adult literacy and communication, there are interest groups and there are also classes in physical activity and computer skills. I congratulate the committee of management for their ongoing support of that community. I also ask that the government fund —

The ACTING PRESIDENT (**Ms Patten**) — Thank you, Ms Bath.

Western Port ferry services

Mr MULINO (Eastern Victoria) (12:59) — The government is providing more options to the community for those travelling between mainland Victoria, French Island and Phillip Island by introducing extra ferry services from 27 October. After that date 177 trips per week between the islands and the mainland will provide significantly improved connections to trains at Stony Point station. This is a significant improvement and additional support for Victoria's substantial visitor economy.

Kindergarten funding

Mr MULINO — I also want to comment today on the government and its significant investment in kindergartens. I was pleased to be at the announcement by the Minister for Early Childhood Education regarding additional funding for 11 kinders on the Mornington Peninsula. They were part of more than 200 recipient organisations sharing in $1 million in funding through 2017–18 from the children's facilities capital program minor grants.

These grants will provide much-needed IT equipment that will provide laptops and tablets, which are so critical for modern education. They include Dromana Preschool, Langwarrin Park Preschool, Mount Martha Preschool, Tyabb Preschool, Wallaroo Preschool, Bayport Preschool, Somerville Kindergarten, Mornington Park Preschool, Bentons Square Kindergarten, Rye Preschool and Waterfall Gully Preschool. There were also kinder grants elsewhere in the electorate.

High-capacity metro trains project

Mr MULINO — Finally, I also make a comment in relation to a significant capital works project, the high-capacity metro trains project. There will be 110 new positions at the Pakenham East depot to test and maintain Victoria's 65 new high-capacity metro trains. This is a critical public transport program and job creator.

Minister for Roads and Road Safety

Mr FINN (Western Metropolitan) (13:01) — If ever there was a government that has completely lost its way, it is the Andrews Socialist Left government. They are not happy with just wasting billions of taxpayer dollars, multiple acts of shysterism and backflips on issues as far apart as euthanasia and shooting galleries. We know they have totally lost it when ministers of the Andrews government start giving up on their own portfolios.

Despite bedlam on our roads on a daily basis and the desperate need for action from the government, the Minister for Roads and Road Safety, Luke Donnellan, yesterday threw his hands in the air and told motorists, 'Take public transport'. How pathetic is that? That is totally pathetic. A minister of the Crown publicly admitted defeat. A minister of the Crown publicly admitted that it has all got too much for him. Perhaps Minister Donnellan thinks that, like him, we all live in the inner city with a tram at the door. That is not the case at all. He really needs to get out more. He might even like to get out as far as Narre Warren from time to time, which is a long way from Fitzroy, I can tell you.

The motorists of Victoria need a minister who is serious about his portfolio; they need someone who understands what needs to be done and will do it. As they sit in traffic gridlock right across Melbourne they want a congestion beater not a minister hiding under his desk waving a white flag. He might like to blame the Premier, but the fact is the buck stops with him. Minister Donnellan should now resign.

Michael Muscat

Mr MELHEM (Western Metropolitan) (13:03) — I rise to congratulate Michael Muscat for being awarded the 2017 WorkSafe Health and Safety Representative of the Year. Michael is the health and safety representative (HSR) and a staunch member of the Australian Workers Union (AWU) at Visy Board. Michael is receiving much-deserved recognition for his tireless efforts over 19 years at Visy Board. For years he has worked to ensure that all workplace laws are

being followed and that any potential hazards are removed immediately. He has been responsible for making Visy Board a safer place for himself and his workmates. Michael initiated and got the implementation of a third shift, from two 12-hour shifts to three 8-hour shifts. The workers complained about fatigue, and Michael did a risk assessment. The control clearly indicated that they should move to 8 hours. This is indeed a great achievement.

The work of HSR officers is hideously understated. HSRs are influential in the development of health and safety policy, procedures and systems in the workplace. They are responsible for carrying out measures to ensure the safety of workers. They also act as an important liaison between workers and management. It is essential to the operation of a good workplace to have someone of a high calibre in this role to ensure the safety of all workers. The workers at Visy Board are lucky to have Michael, and I hope he continues to provide positive outcomes in that role for many years to come. He also credits the AWU training department with equipping him with the knowledge and skills to do his job. I congratulate him and the AWU on their good work in the health and safety space.

Drug rehabilitation services

Mr O'SULLIVAN (Northern Victoria) (13:04) — Drugs are a problem in our society not only in the city areas but also out in regional Victoria as well. We all know about it, we see it in the media very regularly and quite often it exposes itself through crime in our community. The *Herald Sun* of 7 June talked about the Victorian ice epidemic in country Victoria and said that the hotspots were in Mildura, Wangaratta, Bendigo and Shepparton, which are all within the electorate that I represent. There are not enough rehabilitation beds in northern Victoria for people who have these addictions to seek the treatment that they require to help them get through that challenging time. This government has just recently had a look at residential rehab beds and allocated some more — only some — but unfortunately the most northern one that was released is in Heidelberg. That is a long way from the Murray River. I am actually surprised that they were not only released in Northcote, with the by-election going on.

What has this government done in terms of drug rehabilitation? They are going to open up an injecting room in the city. We should not be condoning the use of drugs. This is setting a very bad example for young people, and we should be spending a lot more time and effort on trying to prevent people from using drugs, not allowing them to use them and having a state-sanctioned operation in terms of using them. We need more rehab beds out in regional Victoria so we can help those people to deal with the addictions that they have.

Look Good Feel Better

Ms TIERNEY (Minister for Training and Skills) (13:06) — I rise to congratulate my constituents for the work they do in fundraising for excellent causes. Last week I was very pleased to take part in the Pink Ribbon Breakfast organised by the Bellarine Women's Network in support of research into breast cancer.

This very well attended event in Portarlington was also a great opportunity to hear about the work of Look Good Feel Better, a free program dedicated to helping patients manage the appearance-related side effects caused by cancer treatment, including chemotherapy and radiation. Look Good Feel Better is based on the knowledge that a boost to self-esteem and confidence is a great help in enduring treatment. Women, men and teens who have cancer can participate in practical workshops covering skincare, sunscreen and sun protection, make-up and head wear demonstrations.

The Geelong program is based at two hospitals: the Andrew Love Cancer Centre and the St John of God Geelong Hospital. It has been running for 24 years. This year alone the Look Good Feel Better team will be involved in 17 workshops, so with about 20 people in each workshop that is nearly 300 people a year who will benefit. The Geelong team are very longstanding volunteers who have been trained and certified as cosmetics, beauty and hairdressing professionals, working with Look Good Feel Better for years.

The hospitals' breast care nurses are a vital element for breast care patients in particular, and they encourage patients and refer them to the program. Look Good Feel Better is supported by partnerships with local retailers who donate products plus a portion of their sales proceeds. I congratulate all for their dedication and their generosity. This truly has been a fantastic effort, and I look forward to further work in this area.

Taxi and hire car industry

Mr DAVIS (Southern Metropolitan) (13:08) — Today I want to draw the chamber's attention to the plight of taxidrivers and their families, and it is very interesting to see what has occurred since 9 October, when the licences became essentially valueless. You can now apply for a licence for $52.90. I am informed that 1450 applications have been made, with 700 licences granted in the intervening days, while 350 licences have been applied for for hire cars and 150

of those have been granted. Others are being processed at a high rate.

I am told that not one licence has been refused, so it is curious again that such a large number of people would apply, and you would imagine that there are checks and balances checking on safety, criminal records and so forth to ensure that these are safe. What is clear is a very large surge of new licences is occurring. That is further putting pressure on the industry, an industry that is not balanced because there are higher obligations applied now and indeed in the government's current bill than are applied to Uber. So there are higher obligations and additional costs imposed on taxis, and more licences are being provided, which will have an effect on those who have not been compensated properly, those families that are struggling, and those who have had their assets ripped away by Premier Daniel Andrews.

General Sir Harry Chauvel Foundation

Ms CROZIER (Southern Metropolitan) (13:10) — I was very delighted to be able to attend a function here in the Parliament last Friday evening which was put on and hosted by the General Sir Harry Chauvel Foundation for the centenary of the Battle of Beersheba, which Ms Lovell spoke about earlier in the house. The oration was delivered by the guest speaker, Neville Clark, MC, OAM, MA, who gave a magnificent and quite extraordinary address to the audience on the life and times of Sir Harry Chauvel and his remarkable leadership in what we are actually acknowledging today, the centenary of the Battle of Beersheba. I note that the Prime Minister, the federal Leader of the Opposition and members of this Parliament are in Israel at the moment on this very important occasion, and I would like to acknowledge the significance of that.

The General Sir Harry Chauvel Foundation said they have put a submission to Metro in regard to the naming of the Domain station, and I wholeheartedly support that idea because of the contributions Sir Harry Chauvel has made to this country. He was a member of the National War Memorial committee, along with other distinguished businessmen and military and political leaders, and I would hope that the panel would look very favourably on this submission to have Domain station named in his honour.

VOLUNTARY ASSISTED DYING BILL 2017

Statement of compatibility

Mr JENNINGS (Special Minister of State) 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 Voluntary Assisted Dying Bill 2017.

In my opinion, the Voluntary Assisted Dying 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

Background to the bill

In June 2016, a cross-party parliamentary committee tabled its final report on its inquiry into end-of-life choices. The inquiry was conducted over a year and included extensive consultations and research.

The parliamentary committee made a number of recommendations in relation to palliative care and advance care planning. The committee also found that there were a small number of circumstances in which palliative care cannot provide the relief needed to address the suffering at the end of a person's life. The committee's final recommendation was that, in these very limited cases, medical practitioners should be allowed to assist people to die.

Building on the work of the parliamentary committee, the government established the Voluntary Assisted Dying Ministerial Advisory Panel to develop a safe and compassionate voluntary assisted dying framework for Victoria. The panel was made up of clinical, legal, consumer, health administrator and palliative care experts. In July 2017, the panel delivered its final report outlining how the committee's recommendation could work in practice, and to ensure only those making voluntary and informed decisions and at the end of their life could access voluntary assisted dying.

The panel's report was informed by an extensive consultation process with a range of stakeholders, relevant research on end-of-life care and other medical treatment, research on voluntary assisted dying frameworks in other jurisdictions, and the panel's own expertise and experience. In providing its recommendations, the panel used the charter as a framework for considering the rights of all Victorians when making decisions and resolving complex issues in relation to voluntary assisted dying, noting that every human life has equal value, and human rights provide guidance for upholding and safeguarding this value. The human rights in the charter uphold the rights of people to live their lives with freedom and dignity but also protect against exploitation, violence and abuse.

Overview of the bill

To implement the recommendation of the parliamentary committee and consistent with the framework developed by the ministerial advisory panel, the Voluntary Assisted Dying

Bill 2017 (the bill) provides for, and regulates access to, voluntary assisted dying for Victorian people at the end of their lives. The bill establishes a mechanism for adults with decision-making capacity, who are suffering from a serious and incurable condition at the end of their life, to be provided with assistance to die in certain circumstances, by means of self-administering a lethal dose of medication. It also establishes a new Voluntary Assisted Dying Review Board, to monitor and provide oversight in relation to the provision of voluntary assisted dying under the bill.

The framework established by the bill strikes an appropriate balance between ensuring all Victorians have access to high quality end-of-life care, consistent with their preferences, while requiring robust eligibility criteria for adults with decision-making capacity to protect against abuse, such as through undue influence or coercion. The framework includes a prescriptive, multi-stage assessment process with numerous safeguards and comprehensive oversight.

Recognising that some people have strong objections to voluntary assisted dying, the bill provides health practitioners with the right to conscientiously object to participating in a voluntary assisted dying process, and does not require practitioners to refer a patient who has requested access to voluntary assisted dying to another practitioner.

The objectives of the bill, and the balance struck between the rights of individuals who may want to access the scheme, their families, medical practitioners and staff who provide end-of-life care, and the wider community, are demonstrated by a number of principles set out in the bill. A person exercising a power or performing a function or duty under the bill must have regard to the following principles:

> every human life has equal value;
>
> a person's autonomy should be respected;
>
> a person has the right to be supported in making informed decisions about the person's medical treatment, and should be given, in a manner the person understands, information about medical treatment options including comfort and palliative care;
>
> every person approaching the end of life should be provided with quality care to minimise the person's suffering and maximise the person's quality of life;
>
> a therapeutic relationship between a person and the person's health practitioner should, wherever possible, be supported and maintained;
>
> individuals should be encouraged to openly discuss death and dying and an individual's preferences and values should be encouraged and promoted;
>
> individuals should be supported in conversations with the individual's health practitioners, family and carers and the community about treatment and care preferences;
>
> individuals are entitled to genuine choices regarding their treatment and care;
>
> there is a need to protect individuals who may be subject to abuse; and
>
> all persons, including health practitioners have the right to be shown respect for their culture, beliefs, values and personal characteristics.

Human rights issues

Right to life (section 9) and personal autonomy and dignity (sections 13(a) and 21(1))

Section 9 of the charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life.

The right to life is said to be an inherent and 'supreme' right, without which all other human rights would be devoid of meaning. However, despite the fundamental nature of the right, it is not absolute, meaning that it can be limited where justifiable. The right in section 9 of the charter includes an obligation on the government to refrain from conduct that results in the arbitrary deprivation of life, as well as a positive duty to introduce appropriate safeguards to minimise the risk of loss of life.

At international law, and in other countries including Canada, an assisted dying regime can be compatible with the right to life, provided that there are sufficient safeguards to prevent abuse of vulnerable people.

Both the parliamentary committee and the ministerial advisory panel examined models of voluntary assisted dying that exist in overseas jurisdictions and their reports reflect lessons learned from those jurisdictions for the voluntary assisted dying framework proposed for Victoria. The model for voluntary assisted dying contained in the bill is, comparatively, a very conservative model; but it is, in my view, the right model for Victoria. The bill provides a compassionate option for people who are suffering and are dying of a disease, illness or medical condition, but it is also safe, with effective protections for the person, health practitioners and the community.

The voluntary assisted dying framework provided under the bill is carefully and appropriately confined through stringent eligibility criteria, a multi-stage request and assessment process, and other strong safeguards to protect against potential abuse. Further, by enabling people's decisions at the end of their life to be given effect, the bill also recognises and promotes other important rights, such as the individual rights to liberty and security, and to dignity and autonomy (which form part of the charter's privacy right).

For the reasons set out below, I am satisfied that the bill does not limit the right to life. I acknowledge that others may take the view that the bill will limit the right to life, in which case, in my view, it would do so in a demonstrably justifiable way.

Eligibility criteria

Clause 9 of the bill sets out the eligibility criteria for accessing voluntary assisted dying. Under the bill, only adults with an incurable, advanced, progressive disease, illness or medical condition that is expected to cause death within 12 months and is causing suffering that cannot be relieved in a manner that is tolerable to the person will be able to access voluntary assisted dying. The person seeking to access voluntary assisted dying must be ordinarily resident in Victoria and either an Australian citizen or permanent resident, and must have decision-making capacity as defined in the bill. A person with a mental illness alone or a disability alone will not satisfy the eligibility criteria; however, a person with a mental illness

or a disability who meets all the eligibility criteria will have the same opportunity as anyone else to request and be assessed for voluntary assisted dying.

The bill's voluntary assisted dying framework respects the informed and voluntary choice of a person with decision-making capacity from beginning to end. Only the person seeking to access voluntary assisted dying can make the request. No-one can request voluntary assisted dying on behalf of someone else and a health practitioner cannot initiate a discussion that is in substance about voluntary assisted dying, or, in substance, suggest voluntary assisted dying to their patients. Under clause 4 of the bill, decision-making capacity in relation to voluntary assisted dying means being able to do each of the following:

> understand the information relevant to the decision to access voluntary assisted dying and the effect of the decision;
>
> retain that information to the extent necessary to make the decision;
>
> use or weigh that information as part of the process of making the decision; and
>
> communicate the decision and the person's views and needs as to the decision in some way, including by speech, gestures and other means.

Clause 4 includes a presumption that a person has decision-making capacity unless there is evidence to the contrary, and sets out a number of other matters relevant to the assessment of whether or not a person has decision-making capacity. The bill requires that a person's decision-making capacity in relation to voluntary assisted dying to be reassessed throughout the request and assessment process.

Request and assessment process

Part 3 of the bill prescribes a rigorous, multi-stage request and assessment process for a person seeking to access voluntary assisted dying. A person must make three separate requests to access voluntary assisted dying. One of these requests must be in writing in the form of a 'written declaration', specifying that it is made voluntarily and without coercion and that the person understands the nature and effect of their declaration, and be signed by the person and two independent witnesses in the presence of the person's coordinating medical practitioner. If the person making the written declaration is unable to sign it, another person aged over 18 may sign it on that person's behalf, at their direction and in their presence, but in those circumstances the person who signs the declaration may not also witness the declaration. The person seeking to access voluntary assisted dying will need to make their final request at least nine days after the first request, unless the person's medical practitioners consider that the person's death will occur within nine days. A person who has requested access to voluntary assisted dying may decide at any time not to take any further step in relation to the process. As part of the process, they will appoint a contact person who will take responsibility for returning any unused or remaining medication.

The bill stipulates clear roles and responsibilities for medical practitioners involved. The person's 'coordinating medical practitioner' is responsible for receiving the initial request, conducting the first assessment, coordinating the process and reporting to the Voluntary Assisted Dying Review Board. If the coordinating medical practitioner assesses the person as eligible, they must refer the person to another medical practitioner for a further assessment. That practitioner, if they accept the referral, becomes the 'consulting medical practitioner' and is responsible for conducting a second, independent assessment and reporting to the board.

Both assessing medical practitioners must assess that the person's request is voluntary, informed and continuing, and independently inform the person about all the care and treatment options available to them. Both medical practitioners need to be experienced practitioners, at least one must have relevant expertise and experience in the disease, illness or medical condition expected to cause the death of the person being assessed, and both must undertake further approved training before they are permitted to conduct assessments under the bill. If the person has completed the request and assessment process and is eligible, their coordinating medical practitioner may apply for a permit to prescribe the medication. The coordinating medical practitioner is responsible for certifying that all the steps have been completed. The Secretary to the Department of Health and Human Services (the secretary) will determine applications for permits. Once the permit is issued, only the coordinating medical practitioner can prescribe the medication. The person will be prescribed the medication which they can self-administer at a time of their choosing. They must keep the medication in a locked box for safe keeping. In very limited circumstances, when a person is physically unable to self-administer or digest the medication, the coordinating medical practitioner may administer the medication in the presence of an independent witness. However, in order for the medical practitioner to administer the substance in these limited circumstances, the person must still have decision-making capacity at the time of making the request, must be acting voluntarily and without coercion in making the request, and their request must be enduring.

Other legislative safeguards and oversight mechanisms

There is an extensive oversight framework in the bill to ensure compliance by health practitioners and continuous monitoring of medication. The Voluntary Assisted Dying Review Board, established under clause 92 of the bill, will receive reports from every health practitioner involved, the Department of Health and Human Services and the registrar of births, deaths and marriages (the registrar). The board's functions include ensuring compliance with the framework, and it will have the responsibility for identifying and referring any issues identified in relation to the provision of voluntary assisted dying, as relevant, to the Chief Commissioner of Police, the registrar, the secretary, the State Coroner and the Australian Health Practitioner Regulation Agency.

The board will monitor the use of any voluntary assisted dying substance dispensed in accordance with the bill to ensure that any unused or remaining substance is returned. The board will receive reports about the prescription, dispensation, and return of the medication, as well as the person's death.

The board must provide reports on matters relevant to its functions to the minister and the secretary upon request. For the first two years of the bill's operation, the board must also make reports on the operation of the bill for every six-month period, to be tabled in each house of Parliament. As an ongoing duty, the board must make an annual report

on the operation of the bill for each financial year, which will also be tabled in Parliament. The board's regular reports may make recommendations on any systemic matter identified by the board, and may include any de-identified information of a person who has accessed or requested to access voluntary assisted dying under the bill during the relevant reporting period.

The Voluntary Assisted Dying Review Board's oversight functions and reporting obligations are key mechanisms to promote transparency and accountability on the operation of the voluntary assisted dying framework, and will enable it to identify trends and make recommendations for continuous improvement in the quality and safety of voluntary assisted dying in Victoria.

The bill also contains a number of offences with significant penalties to protect against abuse and ensure the integrity of the framework. These offences include:

an offence for a coordinating medical practitioner to administer a voluntary assisted dying substance to a person other than in accordance with a practitioner administration permit;

an offence for a person to knowingly administer to another person a voluntary assisted dying substance dispensed in accordance with a self-administration permit;

offences for inducing another person to request voluntary assisted dying, or inducing the self-administration of a voluntary assisted dying substance;

offences for falsifying forms or records, and for making false or misleading statements or reports.

Finally, the bill provides for mandatory and voluntary notifications to be made the Australian Health Practitioner Regulation Agency, in relation to any health practitioner who is believed on reasonable grounds to be acting outside of the legislative framework.

Promotion of personal autonomy and dignity

The right to privacy under section 13 of the charter recognises the need to respect and prevent the unlawful or arbitrary interference with a person's privacy. The fundamental values which the right to privacy protects include physical and psychological integrity, individual and social identity, and the autonomy and inherent dignity of the person. In my view, the bill promotes the right to privacy by allowing Victorians who are suffering at the end of their life, in very limited circumstances, to choose to end their life according to their own preferences.

Section 21(1) of the charter provides that every person has the right to liberty and security. The right to liberty and security of the person also encompasses the principle of autonomy. The Canadian Supreme Court has held that a prohibition on voluntary assisted dying contravened the right to life, liberty and security of the person, which were all taken to relate to autonomy and quality of life. The court found that denying a person the opportunity to determine the manner and timing of their death in response to serious pain and suffering impinged on their liberty and security.

Section 21(1) of the Victorian charter differs from the equivalent Canadian provision in that it does not include the word 'life'. It has been suggested by the Victorian courts that the right to security of person in section 21(1) may be broader than just physical freedom and is an instance of the human right to personal integrity or inviolability, which in turn is an expression of the bedrock value of human dignity. To the extent that the right to liberty and security in section 21(1) is relevant, the bill promotes this right by enhancing the ability of Victorians at the end of their life to make choices about the manner and timing of their death, consistent with their preferences and values (noting that the scope of the right to security, separate from the right to liberty, under section 21(2) of the charter has not been directly considered by the Victorian courts).

Under the bill, the entry on the register kept by the registrar of births, deaths and marriages about the death of a person who was the subject of a voluntary assisted dying permit will identify the underlying disease, illness or medical condition that was the grounds for a person accessing voluntary assisted dying as the cause of death. This will protect the privacy of the person and their families by not disclosing that they accessed voluntary assisted dying. Further, this approach reflects the fact that the person would not be accessing voluntary assisted dying without the underlying condition that would inevitably cause their death in the immediate future, and is consistent with the fact that the person has not made a decision to end their life prematurely; rather, they have made a decision about the manner of their death.

In my opinion, the very limited circumstances in which voluntary assisted dying may be accessed, the careful balance of rights struck by the bill, and the numerous safeguards mean that any limit to right to life is demonstrably justified in a free and democratic society.

Privacy and reputation (section 13)

The privacy and reputation rights recognised in section 13 of the charter are also relevant to provisions of the bill that permit or require the use or disclosure of personal information. Under section 13, the right to privacy will be limited by an unlawful or arbitrary interference with a person's privacy, family, home or correspondence.

At various points during the request and assessment procedures under the bill, coordinating or consulting medical practitioners are required to provide information to the Voluntary Assisted Dying Review Board relating to the outcomes of the assessments, the final review and the administration of a substance in relation to persons requesting voluntary assisted dying. Once a person is assessed as eligible to access voluntary assisted dying, their coordinating medical practitioner must make an application to the secretary for a voluntary assisted dying permit, in order to prescribe the voluntary assisted dying substance. The secretary may refuse to issue a voluntary assisted dying permit, including if not satisfied that the request and assessment process has been completed as required by the bill. A pharmacist who dispenses a voluntary assisted dying substance must provide a form with the details related to that dispensing to the board, as well as a form when they dispose of a returned voluntary assisted dying substance. It is an offence under the bill for a person who is required under the bill to give a form to the board to fail to do so in accordance with the bill. The board may also request that any person (including a contact person)

give to the board any information to assist the board in carrying out any of its functions.

Under clause 104 of the bill, the board may use and disclose any identifying information obtained as a result of the board performing a function or exercising a power, for the purpose of referring a matter to the Chief Commissioner of Police, the registrar, the secretary, the State Coroner and the Australian Health Practitioner Regulation Agency. However, the board must not refer a matter to one of those bodies unless the board reasonably believes the identifying information discloses a matter that is relevant to the functions and powers of that person or body.

Each of these processes which require or permit a person to provide information to the board or to the secretary, or which permit the board to provide information to a law enforcement or other body with relevant functions, will necessarily involve the sharing of detailed personal and medical information. The information may relate to the person requesting to access voluntary assisted dying as well as other individuals such as the person's nominated contact person, or a medical practitioner. As such, each of these processes constitutes a potential interference with privacy. However, I am satisfied that any interference will be both lawful and not arbitrary and therefore the right to privacy protected under the charter is not limited.

The provisions that require or facilitate the use or disclosure of information are clearly set out in the bill and appropriately circumscribed, having regard to the purposes for which the information will be collected and shared. In order to support the board's functions, it is essential that the bill enables it to collect and monitor information and data in relation to the requests for and accessing of voluntary assisted dying. It is also important that it can oversee the operation of the legislative framework directly, rather than having this data reported through another body. The board must have sufficient data and oversight to be certain of the overall safety and quality outcomes and to provide necessary assurance to the community that all providers are consistently providing high-quality care, as well as to fulfil its reporting requirements. Further, the board must be able to lawfully share relevant information with the Chief Commissioner of Police, the registrar, the secretary, the State Coroner and the Australian Health Practitioner Regulation Agency as required, where that information is relevant to their functions.

I am satisfied that the board's public reporting requirements discussed above do not limit the charter rights to privacy and reputation, as the bill only permits the inclusion of de-identified information of a person who has accessed or requested access to voluntary assisted dying under the bill. The board is also prohibited from including in those reports any information that would prejudice any criminal proceeding or investigation, civil proceeding, or any proceeding in the Coroner's Court.

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

Section 10 of the charter provides that a person must not be subjected to torture, treated or punished in a cruel, inhuman or degrading way, or subjected to medical treatment without his or her full, free and informed consent.

In my view, the rights protected by section 10 are not engaged by the bill. However, arguments may be made as to their relevance, and so I will briefly address certain aspects of the rights in this statement.

It may be argued that the deprivation of life amounts to inhuman or degrading treatment, if one considered the authorised termination of life as destroying the sanctity of life. This view would emphasise the importance of ensuring that requests are voluntary and decisions to access voluntary assisted dying are properly informed, each of which are key features of the bill.

On the other hand, it could be said that it is contrary to the protection against cruel, inhuman or degrading treatment not to recognise a person's autonomy and allow a safe and compassionate response for people who are dying and suffering, to choose the timing and manner of their death. On this view, the right in section 10(b) of the charter may be promoted by the bill.

In my opinion, the protection in section 10(c) of the charter against being subjected to medical treatment without consent is not relevant to the bill, given the bill's overwhelming emphasis on decision-making capacity, voluntariness and, in most cases, self-administration.

Freedom of thought, conscience, religion and belief (section 14)

Section 14 of the charter recognises the right of every person to freedom of thought, conscience, religion and belief. These rights encompass people's right to hold their own views and to express them. The right is grounded in the principles of personal autonomy and self-determination. It also acknowledges that people may live their lives in accordance with their beliefs and that the state should not arbitrarily interfere with the expression of people's beliefs.

The bill's provision for health practitioners to conscientiously object to participating in voluntary assisted dying recognises their right to freedom of thought, conscience, religion and belief. Clause 7 of the bill expressly provides that a registered health practitioner who has a conscientious objection to voluntary assisted dying has the right to refuse:

> to provide information about voluntary assisted dying;
>
> to participate in the request and assessment process;
>
> to apply for a voluntary assisted dying permit;
>
> to supply, prescribe or administer a voluntary assisted dying substance;
>
> to be present at the time of administration of a voluntary assisted dying substance;
>
> to dispense a prescription for a voluntary assisted dying substance.

Whilst the bill recognises health practitioners' rights, health practitioners should also recognise their patients' right to freedom of thought, conscience, religion and belief and should not allow their own beliefs to interfere with their patients' access to lawful medical treatment. Although the bill does not require a mandatory referral if a health practitioner has a conscientious objection, it is not intended that practitioners may use their conscientious objection to impede people's access to voluntary assisted dying.

For these reasons, I am of the opinion that the rights to freedom of thought, conscience, religion and belief are protected and promoted by the bill.

Equality rights (section 8) and the best interests of children (s 17(2))

Section 8(1) of the charter provides that every person has the right to recognition as a person before the law. Section 8(3) of the charter relevantly provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination. Discrimination in relation to a person means discrimination within the meaning of the Equal Opportunity Act 2010 (EO act) on the basis of an attribute set out in section 6 of that act, including age, race and disability. Under the EO act, direct discrimination occurs if a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs if imposes, or proposes to impose, a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with an attribute; and that is not reasonable.

Eligibility criteria relating to age

Under the eligibility criteria in clause 9(1) of the bill, voluntary assisted dying may only be accessed by an individual who is aged 18 years or more. A child who is under 18 may meet all of the other eligibility criteria for voluntary assisted dying but will nevertheless be ineligible to access it. As such, the bill directly discriminates against persons who are under 18 on the basis of their age and, in doing so, constitutes a limit on the right to equality under the charter. However, I am of the opinion that, in the circumstances, the limitation imposed by this age-based eligibility criteria is demonstrably justified in accordance with section 7(2) of the charter. It can also be balanced against the protection of children as in their best interests under section 17(2) of the charter, due to the particular vulnerabilities of children, as discussed further below.

All people aged 18 years and over are presumed to have decision-making capacity to consent to medical treatment in Victoria. A person under 18 years may have decision-making capacity to make certain medical treatment decisions where they are able to understand the nature and consequences of the decision that needs to be made. Decision-making capacity under current Victorian law is decision-specific; while a person under 18 years may have decision-making capacity to consent to some medical treatment, this does not necessarily mean they have decision-making capacity to make decisions about medical treatment with more severe consequences.

A decision to access voluntary assisted dying is complex, requiring a person to have a well-developed capacity for abstract reasoning — a capacity that young people develop at different ages. Victorian law uses the age of 18 years to clearly identify the point at which people are generally deemed to have developed the necessary capacity to make important decisions about their life. I also note that the majority of feedback the ministerial advisory panel received about age limitations revealed strong support for a requirement that a person be 18 years and over to access voluntary assisted dying because it signals a level of maturity reflected in other responsibilities taken up by a person at the age of 18 years.

In my opinion, requiring a person to be at least 18 years to access voluntary assisted dying represents an appropriate safeguard by striking a balance between providing choice for adults who are at the end of their life, and protecting young people who do not have the appropriate level of maturity, capacity for abstract reasoning, or life experience to make the decision to access voluntary assisted dying. I acknowledge that age limits necessarily involve a degree of generalisation, without regard for the particular abilities, maturity or other qualities of individuals within that age group. In this bill, age is being used as a proxy measure of the maturity and capacity of an individual for abstract reasoning, which are necessary in this complex and most serious context. I consider that it is reasonable for Parliament to set an age limit reflecting its assessment of when most persons will have sufficient maturity to make a decision of this nature.

Section 17(2) of the charter provides that children are entitled to protection of their best interests. The application of the right to the protection of the best interests of children is not clear in the context of voluntary assisted dying because it depends on how the 'best interests' of the child are conceived. Some international jurisprudence suggests that it can be in a terminally ill child's best interests to withdraw medical treatment and allow them to die, but it is not clear when this point is reached and whether this could extend to causing the child's death. After careful consideration, as outlined above, the ministerial advisory panel recommended that only people aged 18 years and over should be able to access voluntary assisted dying, in recognition of the complexity of the decision to access voluntary assisted dying and the requisite capacity for mature thought and decision-making. As discussed above, it also recognises that children have the right to protection as is in their best interests, and access to the voluntary assisted dying framework in the bill might not be in their best interests due to their particular vulnerabilities. Equality of access to the framework must be balanced against protection of children, including from potential abuse. In light of the fundamental importance of individuals making their own decision under the bill's framework, I am satisfied that there is no less restrictive option available, such as enabling substitute decision-making by parents, to achieve this protective purpose.

Consequently, I consider that any limit on the right to equality that will occur due to the age criteria under the bill is reasonable, necessary and justifiable in a democratic society.

Eligibility criteria relating to citizenship status

Under the bill, only a person who is ordinarily resident in Victoria and either an Australian citizen or permanent resident may access assisted dying. The responsibility for determining whether a patient is a Victorian resident and Australian citizen or permanent resident lies with the coordinating and consulting medical practitioners.

Although citizenship or permanent residency status is not a protected attribute under the EO act, the attribute 'race' is in turn defined to include 'nationality or national origin'. Courts have considered that the term 'nationality' can be equivalent to citizenship, and the attributes in section 6 of the EO act include characteristics that 'a person with that attribute generally has'.

Although the requirement that a person requesting to access voluntary assisted dying be an Australian citizen or permanent resident may amount to discrimination on the

ground of race, in the circumstances, I am of the view that any limit on the charter right to equality is demonstrably justified. This criterion is designed to ensure safety and prevent people coming from outside Victoria to obtain access to voluntary assisted dying, in circumstances where such persons are unlikely to have a therapeutic relationship with a Victorian medical practitioner.

Exclusions from access to voluntary assisted dying on grounds of mental illness or disability alone

Clauses 9(2) and 9(3) of the bill provide that a person is not eligible for access to voluntary assisted dying only because that person:

> is diagnosed with a mental illness, within the meaning of section 3 of the Mental Health Act 2014; or
>
> has a disability, within the meaning of section 3(1) of the Disability Act 2006.

These provisions confirm that, under the bill, having a mental illness or having a disability alone will not satisfy the eligibility criteria for access to voluntary assisted dying. However, having a mental illness or a disability will not exclude a person from accessing voluntary assisted dying if they meet all of the eligibility criteria in clause 9(1), including that they have been diagnosed an incurable disease, illness or medical condition that is advanced, progressive and will cause death.

Accordingly, clauses 9(2) and 9(3) the bill do not treat persons diagnosed with a mental illness or who have a disability unfavourably; any individual who meets the eligibility criteria in clause 9(1), whether or not they also have a mental illness or disability, will have the same opportunity as other members of the community to access voluntary assisted dying under the bill. These provisions, therefore, do not limit the right to equality.

Requirement for decision-making capacity

The bill requires that individuals seeking to access voluntary assisted dying must be assessed as having decision-making capacity in relation to a decision to access voluntary assisted dying. Although this may appear to constitute a requirement that has, or is likely to have, the effect of disadvantaging persons with certain disabilities, in my opinion the requirement that persons requesting access to voluntary assisted dying have decision-making capacity does not constitute indirect discrimination, because the requirement is reasonable in the circumstances.

The parliamentary committee recommended that voluntary assisted dying be accessible only to people who have decision-making capacity about their own medical treatment, a recommendation that was supported by the ministerial advisory panel. The bill's multi-stage assessment process ensures there are mandated points at which a person is given the opportunity to review and reflect on their decision to access voluntary assisted dying, which will enable medical practitioners to reassess a person's decision-making capacity and confirm they still want to proceed with voluntary assisted dying. The requirement for decision-making capacity is fundamental to ensuring a person's decision to access voluntary assisted dying is their own, is voluntary, and is not the product of undue influence or coercion.

Given the fundamental importance of the assessment of a person's decision-making capacity for accessing voluntary assisted dying, the bill provides for oversight and an appropriate avenue of review of a decision as to whether a person has decision-making capacity. It facilitates referral for a specialist opinion where a medical practitioner is unable to determine whether the person has decision-making capacity, and also provides for VCAT to review a decision of an assessing medical practitioner that a person does, or does not, have decision-making capacity.

For the above reasons, I am of the opinion that the right to equality in section 8 of the charter is not limited by clauses 9(2) and 9(3) of the bill, nor by the requirement that a person requesting access to voluntary assisted dying have decision-making capacity.

Presumption of innocence (section 25(1))

Section 25(1) provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. This right may be relevant to clause 91 of the bill which provides for the deemed criminal liability for officers of bodies corporate for a failure to exercise due diligence.

Under clause 91, if a body corporate commits an offence against specified provisions, an officer of the body corporate also commits that offence if the officer failed to exercise due diligence to prevent the commission of the offence by the body corporate. As such, the provision may operate to deem as 'fact' that an individual has committed an offence for the actions of the body corporate.

A person who elects to undertake a position as officer of a body corporate accepts that they will be subject to certain requirements and duties in participating in these regulated industries, including a duty to ensure the body corporate does not commit offences under the relevant acts. In my view, this provision does not limit the right to presumption of innocence as the prosecution is still required to prove that the officer failed to exercise due diligence to prevent commission of the offence. In determining whether or not an officer failed to exercise due diligence, a court may have regard to a number of factors, including the knowledge of the officer, the officer's position of influence on the body corporate and what steps the officer took to prevent the commission of the offence by the body corporate. Accordingly, the burden of proving the main element of the offence, which is the 'failure' to exercise due diligence, remains on the prosecution. Even if the right was limited, courts in other jurisdictions have held that protections on the presumption of innocence may be subject to limits particularly in the context of compliance offences in regulated industries or professions. Accordingly, I am of the view that these provisions are compatible with the charter's right to the presumption of innocence, in light of the special responsibilities attached to officers of a body corporate operating in a regulated environment in which persons choose to participate.

Conclusion

I consider that the bill is compatible with the charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Ms Jenny Mikakos, MP
Minister for Families and Children

Second reading

Mr JENNINGS (Special Minister of State) (13:12) — I move:

That the bill be now read a second time.

Far too many Victorians have suffered too much and for too long at the end of their lives.

Talking about death is a challenging and confronting issue. For too long end-of-life issues have been in the too-hard basket. This needs to change. Improving policy and community awareness about the end of life, and death, are essential if we are to improve Victorians' choices about how and where they experience both.

Encouragingly, in recent years, Victoria has been leading the way on end-of-life issues — talking about them, and putting in place reforms for improved choices and better services.

In consulting the community about these reforms, the evidence is clear that we have not been providing enough Victorians with the genuine choices they need, in line with their preferences, to have a good end of life and death.

For a small number of people at the end of their life, having a personal choice may mean having control over the timing and manner of their impending death to alleviate suffering they can no longer tolerate. The Voluntary Assisted Dying Bill 2017 balances a compassionate outcome for these people at the end of their lives who are suffering, and providing community protection through the establishment of robust safeguards and comprehensive oversight.

The Legislative Council's Standing Committee on Legal and Social Issues undertook a comprehensive inquiry into end-of-life choices. The committee received a great deal of evidence about the pain and suffering being experienced in the community today. It heard harrowing stories of many Victorians taking their own lives in painful, lonely and unacceptable ways. Evidence from the coroner indicated that one terminally ill Victorian was taking their life each week. This evidence resulted in one of the key recommendations of the parliamentary committee report, which was that Victoria should legalise voluntary assisted dying.

The parliamentary committee identified appropriate restrictions for the introduction of voluntary assisted dying in Victoria. This choice of voluntary assisted dying should only be implemented within the context of existing care options available to people at the end of their life. Voluntary assisted dying is not a substitute for palliative care, and will not preclude access to the high standards of palliative care enjoyed by Victorians.

The Minister for Health appointed a ministerial advisory panel to develop the detail of a voluntary assisted dying framework for Victoria and to ensure that it would be safe, compassionate and workable. The ministerial advisory panel has combined its considerable expertise with extensive consultation with stakeholders across Victoria to ensure legislation could be effectively and safely implemented. The ministerial advisory panel is commended for their considered recommendations and their comprehensive report. The Voluntary Assisted Dying Bill will give effect to the ministerial advisory panel's recommendations for a safe and compassionate legislative framework.

Making a decision about the timing and manner of one's death may be an immensely personal and private decision or it may be a decision that is openly shared and discussed with family, friends and community. What is important is that the decision is the person's own decision, based on their own values and beliefs. This bill recognises that some people may prefer to choose to hasten their impending death, rather than continue to endure suffering that has become intolerable to them. The bill only allows the person themselves to make the decision to access voluntary assisted dying, and there are strong safeguards in place to ensure the decision is the person's own, and that it is voluntary, informed and enduring.

The bill will provide a small number of people in very limited circumstances an additional choice about the timing and manner of their death. For many more people, just knowing this option is available if they are confronted with such circumstances will provide them with comfort. Some may choose to access voluntary assisted dying but ultimately not administer the substance because they feel a greater sense of control. The vast majority of Victorians will never want or choose to access voluntary assisted dying.

It is important to recognise that most people at the end of their life will be cared for by our excellent palliative care services. In 2016–17 across Victoria 17 000 people and their families and carers were supported in their homes by specialist palliative care. Palliative care in Victoria is first-class and palliative care services in Australia have been assessed as one of the world's best over many years.

But we also know that for some people at the end of their life palliative care cannot ease their pain and suffering. This bill focuses on providing genuine choice to this small number of people who are at the end of

their life and who are suffering with no hope of recovery or relief.

Voluntary assisted dying should never be seen as an inevitable extension of palliative care. Voluntary assisted dying and palliative care are not mutually exclusive options. The experience in North America shows that between 80 per cent to 90 per cent of people who access voluntary assisted dying are supported by palliative care. While palliative care practitioners will be able to conscientiously object to providing voluntary assisted dying, the Minister for Health is confident that palliative care services will continue to provide expert palliative care and support based on the needs of the person, not on the personal choices they may make about their end of life.

Palliative care responds to the needs of people and their families facing problems associated with life-threatening illnesses, regardless of how close a person is to death. Victoria's end-of-life and palliative care framework commits government to strengthening the palliative care sector and ensuring that all providers across health, community and social care sectors take responsibility for delivering high-quality end-of-life care.

Victorians are already provided with high-quality palliative care. Significant additional funding has been provided in recent years, and the government is committed to further investing in and improving palliative care services. Voluntary assisted dying is not an alternative to palliative care and, if the bill is passed, every Victorian will remain entitled to high-quality palliative care. The request and assessment process in the bill, which clearly requires medical practitioners to discuss palliative care options, will also ensure that people will never turn to voluntary assisted dying because they have not been provided with other options, including palliative care.

The bill recognises that people are entitled to have different values and beliefs and that these should not be imposed on others. Just as it will be a matter for an eligible person whether or not they access voluntary assisted dying, health practitioners will also be able to determine the extent of their involvement in voluntary assisted dying. Given the small number of people who will be eligible, the bill will not affect the practice of most health practitioners. In the limited circumstances where it does, a health practitioner may choose to conscientiously object to participating in any part of the process. While some organisations may opt not to provide voluntary assisted dying, it is expected that they will continue to support all of their patients by providing access to high-quality healthcare services.

This bill is uniquely Victorian and has been developed recognising the diversity of Victorians. This includes Victorians who live in regional and rural areas, those from different cultural backgrounds and those who use different forms of communication. In recognising our strong Victorian values, the bill also includes a set of principles that establish a sound framework for its operation. These principles recognise the value of every human life, respect for autonomy and a person's preferences, choices and values, and the provision of high-quality care. In keeping with these principles, the therapeutic relationship should be supported and the role of the person's family, friends and carers acknowledged.

The bill sets out when a person may access voluntary assisted dying. The decision to access voluntary assisted dying must always be made by the person themselves. The framework established by the bill will ensure that only those making voluntary, informed and enduring decisions will be able to request and access voluntary assisted dying.

Criteria for access to voluntary assisted dying

The Voluntary Assisted Dying Bill sets out clear parameters that will only allow people to access voluntary assisted dying in very limited circumstances. Health practitioners must not initiate a discussion about voluntary assisted dying or suggest voluntary assisted dying to a patient when they are providing them with a health service or professional care service. This includes providing people with written materials if the person has not initiated a discussion or requested information. This will ensure health practitioners do not pressure or inadvertently encourage a person to access voluntary assisted dying.

In order to be eligible to access voluntary assisted dying, a person will need to be an adult, an Australian citizen or permanent resident who is ordinarily resident in Victoria and they must have decision-making capacity in relation to voluntary assisted dying. The person must also be diagnosed with an incurable disease, illness or medical condition that is advanced, progressive and will cause death. The disease, illness or medical condition must be expected to cause death within weeks or months, not exceeding 12 months. The defined 12-month limit provides clarity for medical practitioners and the community and is consistent with Victorian practice in defining the end of life. The disease, illness or medical condition must also be causing suffering that cannot be relieved in a manner the person considers tolerable. The extent to which the person's suffering may be relieved or is tolerable will always be a matter for the person to determine

themselves. This is because suffering is subjective and cannot be assessed by others. All of the criteria must be met for a person to be eligible.

For the avoidance of doubt, the bill explicitly provides that mental illness only will not meet the eligibility criteria. Similarly, disability only will not satisfy the eligibility criteria. While disability may be caused by, or be a symptom of, a disease, illness or medical condition, disability itself will not constitute a disease, illness or medical condition. For example, a person with motor neurone disease may have a range of disabilities that are a result of their disease. These disabilities are not the reason the person may be eligible. The motor neurone disease, which is a disease that will cause death, is what would make the person eligible.

If a person with mental illness or disability satisfies all of the eligibility criteria because of another disease, illness or medical condition, they may be eligible for voluntary assisted dying. This recognises that people with mental illness or disability should not be discriminated against and if they fulfil all of the other eligibility criteria, they should not be excluded just because of their mental illness or disability.

The bill clearly sets out that a person must have decision-making capacity in relation to voluntary assisted dying and that they must make their request personally. A person will not be able to request voluntary assisted dying in an advance care directive, and if this request is made it will be invalid. Likewise, no-one else will be able to make a request on behalf of someone else — not a medical treatment decision-maker, or a family member or carer. The eligibility criteria will prevent many people who want to access voluntary assisted dying from doing so. This includes those who may want to make the request in advance of losing decision-making capacity, and those who have dementia. This is because having decision-making capacity throughout the entire process is an important safeguard in ensuring that a person's decision is voluntary, informed and enduring.

To support the diversity of Victorians, the bill also allows for the person to receive the assistance of an accredited independent interpreter in accessing voluntary assisted dying.

Request and assessment process

The bill sets out a clear and rigorous request and assessment process to provide clarity about the obligations for health practitioners who choose to be involved. The process also incorporates strong safeguards at each step to protect those who may be vulnerable to abuse.

The bill recognises that a request for information about voluntary assisted dying should not commence the request and assessment process. A person is likely to approach a health practitioner they know and trust to seek information about voluntary assisted dying and this discussion should occur as part of a broader discussion about the person's goals, care needs and treatment options. In this way existing therapeutic relationships are supported and the person is able to consider the information without feeling pressured to continue.

A person must make a clear and unambiguous request to a medical practitioner to access voluntary assisted dying. A person may withdraw from the process at any time. If a person decides not to continue, they may subsequently decide they want to request voluntary assisted dying but they will need to commence the request and assessment process from the beginning again.

Upon receiving a request, a medical practitioner must determine and inform the person whether they will accept or refuse the request within seven days. The medical practitioner may conscientiously object to participating or may choose not to accept the role because they do not meet the minimum requirements or would not be able to perform the duties. A medical practitioner must inform the person why they are not accepting the role of coordinating medical practitioner as it is important for the person to know the reason for that choice.

The coordinating medical practitioner must conduct a first assessment and determine whether the person meets all of the eligibility criteria. If the coordinating medical practitioner assesses that the person does not meet any one of the eligibility criteria, the request and assessment process will end. If the coordinating medical practitioner assesses the person as eligible, they must refer the person to another medical practitioner for a further independent assessment. If this practitioner accepts the referral, they will become the consulting medical practitioner. The consulting medical practitioner undertakes their own independent assessment of the person's eligibility. If either practitioner is unable to determine whether the person has decision-making capacity, or whether the person's disease, illness or medical condition meets the eligibility criteria, they must refer the person to an appropriate specialist practitioner.

Both the coordinating and consulting medical practitioners must be fellows of a specialist medical college. This means both medical practitioners will have considerable training and experience. Prior to the first time they conduct an assessment, both the coordinating medical practitioner and the consulting medical practitioner must have completed training approved by the Secretary of the Department of Health and Human Services. The training will ensure that the participating medical practitioners understand their obligations under the bill and receive further training in making assessments about decision-making capacity, including training in identifying and assessing the risk factors associated with abuse or coercion. In addition, the bill requires that either the coordinating or consulting medical practitioner must have at least five years of experience post fellowship and that one of the practitioners must have relevant expertise and experience in the person's disease, illness or medical condition.

Both the coordinating and consulting medical practitioners will be required to fully inform the person about all of the available treatment and palliative care options. This will ensure the person is able to make a properly informed decision. Both practitioners must be satisfied that the person understands the information, that they are acting voluntarily and without coercion, and that their request is enduring. Both practitioners must notify the Voluntary Assisted Dying Review Board of the outcome of their assessment.

If the consulting medical practitioner assesses the person as ineligible, they may not access voluntary assisted dying. If the person and their coordinating medical practitioner decide they would like another opinion, they may undertake the consulting assessment process again with another consulting medical practitioner. It is standard medical practice to seek a second opinion and there is no reason to prevent this in voluntary assisted dying as it supports patient choice. The Voluntary Assisted Dying Review Board will review each assessment and will identify any instances of 'doctor shopping' and potential inconsistencies in assessments.

If the consulting medical practitioner assesses the person as eligible, the person will make a written declaration. The written declaration will be a formal record of the voluntary and enduring nature of the person's request to access voluntary assisted dying. The written declaration will need to be witnessed by two people who are not involved in providing health services or professional care services to the person and who would not materially benefit from the person's death. The written declaration must be signed in the presence of the coordinating medical practitioner.

Once a person has completed their written declaration, they may make their final request. The final request may only be made after a period of at least 10 days has passed since the first request. This will ensure that the person has had sufficient time to consider their decision. The only exception to this requirement is if the coordinating medical practitioner is of the view that the person will die within 10 days of making their first request. If this assessment is consistent with the prognosis of the consulting medical practitioner, the requirement may be waived. In all instances, a final request cannot be made on the same day that the second assessment is completed.

As an additional safeguard to monitor the voluntary assisted dying substance, the person must also appoint a contact person. The contact person will be responsible for returning the voluntary assisted dying substance if it is not used and will also be a point of contact for the Voluntary Assisted Dying Review Board.

Following the final request, the coordinating medical practitioner must undertake a final review to complete the process and provide copies of all forms and assessments to the board. This process does not require the coordinating medical practitioner to conduct any further assessments of the person; instead they must check that each procedural step has occurred.

If the request and assessment process has been complied with, the medical practitioner may apply to the Secretary of the Department of Health and Human Services for a permit. There are two forms of permit: a self-administration permit and a medical practitioner administration permit. The secretary may issue a permit if they are satisfied that the process has been complied with. The permit will only authorise administration through the method specified.

If the person is physically able to self-administer the voluntary assisted dying substance, the coordinating medical practitioner must apply for a self-administration permit. Once the coordinating medical practitioner has obtained a self-administration permit they may prescribe the voluntary assisted dying substance. When presented with an authorised prescription, a pharmacist may dispense the voluntary assisted dying substance and will report this to the Voluntary Assisted Dying Review Board. The pharmacist must label the voluntary assisted dying substance and must provide information about the substance and their obligations to safely store it. The person must store the voluntary assisted dying

substance in a locked box. The person will be free to self-administer the substance at a time of their choosing.

In the rare circumstances where the person is not physically able to self-administer or digest the voluntary assisted dying substance, the coordinating medical practitioner may apply for a practitioner administration permit. This provision has been included to ensure that the bill does not discriminate against those who are not physically able to self-administer and includes additional safeguards. It is the responsibility of the coordinating medical practitioner to determine whether the person is physically able to self-administer or digest the voluntary assisted dying substance. Only the coordinating medical practitioner may apply for a practitioner administration permit and provide the medication in accordance with this.

If the coordinating medical practitioner obtains a self-administration permit and the person subsequently loses the physical capability to self-administer or digest the voluntary assisted dying substance, the coordinating medical practitioner will need to apply for a practitioner administration permit. Before applying for this permit, the coordinating medical practitioner will need to be satisfied that any previously prescribed substance or prescription has been returned. If a person loses the physical capability to self-administer or digest the substance, they will need to return to their coordinating medical practitioner if they want to proceed, because no other person is authorised to administer the voluntary assisted dying substance.

If the coordinating medical practitioner has obtained a practitioner administration permit, the person may request that the coordinating medical practitioner administer the voluntary assisted dying substance. The person must determine when this occurs. As a further safeguard the coordinating medical practitioner may only administer the voluntary assisted dying substance in the presence of a witness who is independent of the coordinating medical practitioner. The coordinating medical practitioner and the witness must certify that the person appeared to have decision-making capacity in relation to voluntary assisted dying and that they were acting voluntarily.

To ensure all deaths under the legislation are identified, after a person has died the medical practitioner who notifies the registrar of births, deaths and marriages of the person's death must notify if they are aware the person has been prescribed the voluntary assisted dying substance or if the person has self-administered or been administered the voluntary assisted dying substance. This information is provided to the Voluntary Assisted Dying Review Board.

Any unused voluntary assisted dying substance that has not been self-administered by the person must be returned to the pharmacist by the contact person within one month of the notification of the person's death. The pharmacist will report the return of the substance to the Voluntary Assisted Dying Review Board. These measures will support the safe monitoring of the voluntary assisted dying substance in the community and ensure clear accountability for the return of any unused voluntary assisted dying substances.

Protections and offences

The bill provides protection from both criminal and civil liability to those who act in accordance with the bill. There are specific immunities for medical practitioners undertaking roles in accordance with the bill, as well as other health practitioners including pharmacists and people who provide assistance to those accessing voluntary assisted dying.

The bill includes a number of specific offences that relate to the voluntary assisted dying framework. These offences address particular risks that may arise as a result of the legislation, such as the misuse of a voluntary assisted dying substance. Existing criminal offences will continue to apply to those acting outside the legislation — for example, to those who misuse medications that are not prescribed in accordance with the legislation.

The bill creates an offence for a coordinating medical practitioner to knowingly administer a voluntary assisted dying substance other than in accordance with a practitioner administration permit if they intend to cause death. This offence will require the coordinating medical practitioner to act in accordance with the requirements of the permit and ensure, for example, that the person has decision-making capacity and is acting voluntarily.

There is also an offence for anyone other than the person themselves to knowingly administer a voluntary assisted dying substance dispensed under a self-administration permit. These new offences provide a clear deterrent and ensure there are strong penalties for anyone who intentionally misuses medications prescribed under the bill.

The bill also creates offences of inducing another person to request voluntary assisted dying or to self-administer a voluntary assisted dying substance. A decision to access voluntary assisted dying must always

be the person's own decision, and any undue influence or dishonesty to induce a person will be criminal.

The bill also creates offences to falsify forms or records or to make false statements or reports that are required under the bill. These offences will ensure accurate records are available for review by the Voluntary Assisted Dying Review Board. It will also be an offence to fail to provide forms to the board within seven days of completing the form.

Voluntary Assisted Dying Review Board

The bill will establish the Voluntary Assisted Dying Review Board. The board will be responsible for monitoring voluntary assisted dying activity under the legislation. This will include receiving reporting forms and reviewing each request and assessment to access voluntary assisted dying. The coordinating medical practitioner, the consulting medical practitioner, the dispensing pharmacist, the Department of Health and Human Services and the registrar of births, deaths and marriages will all provide separate information to the board at several points throughout the process. Receiving reports from these five independent sources will support the board in its comprehensive oversight of the operation of the bill. The board will also use this information to improve the quality of the voluntary assisted dying experience and practice.

The board will ensure transparency through annual reporting to Parliament, and six-monthly reporting in the first two years. This will allow the public to be fully informed about the number of people accessing voluntary assisted dying and the reasons for access.

If the board identifies wrongdoing, or potential wrongdoing, it will be required to refer the matter to the relevant body. This may be the Chief Commissioner of Police, the secretary, the State Coroner, or the Australian Health Practitioner Regulation Agency.

Consequential amendments

The bill recognises that only people who are already dying may access voluntary assisted dying, and as such, their death should not be treated as unexpected or avoidable. For this reason, a voluntary assisted dying death will not be a 'reportable death' under the Coroners Act 2008. This will not preclude the coroner from investigating a death, but this will not be an automatic requirement.

As people may only access voluntary assisted dying if they are suffering from a disease, illness or medical condition that will cause death, this disease, illness or medical condition should be recorded as their cause of death. The Births, Deaths and Marriages Act 1996 will be amended to require that the disease, illness or medical condition be recorded as the cause of death in the register. That act will also be amended to require the registrar of births, deaths and marriages to notify the board that the person was prescribed, self-administered, or administered the voluntary assisted dying substance.

The bill amends the Drugs, Poisons and Controlled Substances Act 1981 to recognise the bill and the legal use of drugs in accordance with the bill.

The bill also amends the Health Records Act 2001 to recognise that voluntary assisted dying activity under the bill will be a health service, for the purposes of the Health Records Act 2001. This will ensure that the health privacy principles apply to information collected when health practitioners perform activities under the bill.

The bill amends the Medical Treatment Planning and Decisions Act 2016 to make it clear that a person may not make a statement in an advance care directive about voluntary assisted dying. For the avoidance of doubt, it also provides that a medical treatment decision-maker cannot make a decision about voluntary assisted dying.

The bill amends the Pharmacy Regulation Act 2010 to recognise the bill and to authorise disclosure in accordance with the bill.

The commencement of the bill will allow for an extended implementation period to provide adequate time for planning and establishment of the necessary reporting, practical and clinical practices to support the operation of a voluntary assisted dying framework.

This bill establishes a safe and compassionate framework to give Victorians who are suffering the ability to choose the timing and manner of their death. The bill provides a rigorous process with safeguards embedded at every step to ensure that only those who meet the eligibility criteria and who are making an informed, voluntary and enduring decision will be able to access voluntary assisted dying. The clear and considered details reflected in this bill will provide the Victorian community with the confidence that voluntary assisted dying can be safely provided to give Victorians genuine choice at the end of their lives.

I commend the bill to the house.

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

Debate adjourned until next day.

CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017

Second reading

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

Mr O'DONOHUE (Eastern Victoria) (13:45) — I am pleased to speak on behalf of the opposition in relation to the Corrections Legislation Further Amendment Bill 2017. This could be seen in general terms as the annual tidy-up of the Corrections Act 1986, noting that this bill also amends the Major Crimes (Investigative Powers) Act 2004. This bill does a number of different things, some more significant than others. I say at the outset that the opposition will not be opposing this bill before the house today.

In summary the bill does eight broad things. It introduces a new offence to strengthen the operation of the corrections system by addressing possession or use of prohibited contraband in prisons. It creates a new security officer role to provide security at the Adult Parole Board of Victoria (APB). It seeks to improve the operation of the parole system, including putting beyond doubt application of laws introduced last year in cases of police murderers. It creates an explicit power to remove electronic monitoring devices or equipment. It clarifies the provisions that relate to the discharge of firearms in prison emergencies that apply to police officers who are authorised to exercise the powers of prison officers. It allows regulations to permit a trial of a paid prison employment scheme, with a mandatory contribution to victims of crime and their families. It makes provisions for community correction officers to carry out or supervise offender alcohol and drug tests and it clarifies the custody arrangements of prisoners appearing before the chief examiner. There are also some very minor consequential amendments to the Bail Act 1977 and the Victoria Police Act 2013.

Working through those eight broad issues, the first one is a new offence and penalty for prison contraband. We are well aware of the contraband issues that exist in the prison system in Victoria. As I and others have said in this place previously, stopping the flow of contraband into any prison system is always a significant challenge. Prisoners have a lot of time on their hands to think up ingenious ways to try and smuggle illegal items into prisons. There will always be a market for such illegal items. In prefacing my remarks about this area, I do not in any way say that the solution to this problem is simple or straightforward; it is challenging and it is a vexed one for every prison system around the world. Having said that, there is no doubt we have seen significant flows of contraband into our prisons through some of the media reports. They include mobile phones, tennis balls filled with drugs being hit over walls, the discovery of tobacco and other contraband items associated with smoking tobacco, some prescription medications, drugs such as buprenorphine and other drugs that are prevalent in the prison system. We support the concept of greater penalties for prisoners caught with contraband, as this new offence and penalties for prison contraband seek to do.

That is only but one part of the equation. There is also better surveillance, better use of technology, better screening of visitors who come to prisons and the best possible surveillance in and around the perimeter of minimum security prisons which do not have walls around them to stop drug drops or other contraband from being dropped in particular locations which prisoners then seek to recover at a certain time.

Penalties are only one part of the equation when it comes to trying to stop the flow of contraband. Of course there is also the better use of technology when it comes to bringing in foods and other items that sometimes can be used to smuggle contraband, the better use of technology to detect things that should not be in packaged goods and the like and taking a zero-tolerance approach with anyone who is found to partake in assisting prisoners to find contraband.

The bill introduces two offence categories of contraband depending on the assessment of the severity of the contraband risk. The most serious, category 1, includes explosives, firearms, weapons, drugs, child exploitation material, mobile phones and other electronic communication devices. Category 1 contraband offences are punishable by a maximum of two years in prison. Category 2 contraband items include unauthorised prescription drugs, drug paraphernalia, electronic storage equipment and recording equipment, such as photography equipment, which is not capable of communication. Category 2 contraband offences are punishable by a maximum of 12 months imprisonment.

The second change I want to touch on is the new security arrangements for the adult parole board. When you think about some of the offenders that come before the adult parole board for the consideration of a parole hearing, some of them may have extensive criminal backgrounds — a criminal background that includes offences against a person and a particularly dangerous or violent background. There have been security incidents at the adult parole board premises. I suppose that risk can be particularly heightened if there is a

parole hearing where parole is cancelled for an offender and they are to be returned to prison or there is some other adverse finding by the board when dealing with an offender. Traditionally the APB has relied on Victoria Police for any security incidents. The opposition was advised that the adult parole board has requested improved security measures to ensure the safety of adult parole board members and those attending hearings or interviews — an absolutely reasonable request.

This bill seeks to create a new category of security officer under the powers of the Corrections Act 1986. This new security officer will not be armed with firearms, will have power to use reasonable force and can use handcuffs, capsicum spray and batons. This new security officer will have the power to arrest and detain a prisoner on parole without warrant if there is reasonable belief that the prisoner on parole has committed an indictable offence or upon cancellation of parole. The officer will then hold the prisoner and hand them over to Victoria Police upon their attendance to take them into custody. Again I appreciate the briefing from the departmental officials, who advised that it is envisaged that the new security officers will be drawn from a rostered pool of corrections officers located at the Melbourne Assessment Prison down in Spencer Street.

The opposition is fully supportive of providing the adult parole board with extra security and extra protection to keep safe their members, their staff and other people who may be there at the adult parole board premises for other reasons. Without going into details, there are a range of other offices and things that take place in that building where the APB is located, and all of the people present deserve to be safe and kept out of harm's way. I am proposing three amendments to this bill, and I am happy for those amendments to be circulated now.

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

Mr O'DONOHUE — The first two of those amendments are really designed to give the adult parole board some extra flexibility when it comes to the security that is provided at the adult parole board premises. I can understand that in certain circumstances a corrections officer, under this new power that is being created by this bill, may be the appropriate person to provide security to the adult parole board. But I think what the opposition is seeking to do is give extra flexibility to the adult parole board so if there is a more serious offender and further security is required, a protective services officer (PSO) can also discharge that function of providing security to the adult parole board. One can imagine perhaps if there is a particularly high profile offender or a particularly notorious offender — or if Victoria Police, the adult parole board or Corrections Victoria receive intelligence that there may be others planning to attend a parole board matter — further security through a PSO or PSOs could be desirable to keep the adult parole board staff safe and at the same time not take valuable and scarce Victoria Police member resources away from other operational duties that they may be performing at that time. That is the essence of the first two amendments that I am proposing in relation to this issue of further security for the adult parole board.

The third amendment that is proposed in this bill relates to the Craig Minogue legislation that the opposition introduced by way of a private members bill. The government then introduced their own bill in relation to police murderers. It appears that there was an error or an oversight in that legislation from the government, and that requires this amendment to put beyond doubt the parole eligibility or otherwise of Craig Minogue. As I say, it would appear there was a drafting error with the original legislative amendments, which were not watertight in their intended effect and did not properly make the provision sufficiently retrospective to the situation where parole had already been applied for or there was eligibility for parole. The bill inserts a transitional provision into the Corrections Act 1986 to make it explicitly clear that section 74AAA applies to a prisoner convicted and sentenced as mentioned in section 74AAA(1) regardless of whether, before the commencement of those amendments, the prisoner had become eligible for parole or the prisoner had taken any steps to ask the board to grant the prisoner parole or the board had begun any consideration of whether or not the prisoner should be granted parole.

The bill also makes a few other minor amendments to parole, such as confirming the power of the adult parole board to require reports from the secretary to the department to perform its parole functions, and to require further reports or information, including reports to assess suitability of prisoners to be released on parole or to remain on parole; codifying current practice by inserting a requirement in parole decisions that the adult parole board must have regard to the record of the court, including the judgement and reasons for sentence, when making parole decisions, including cancellation of parole; and confirming the minimum number of members of the serious violent offender or sex offender parole division of the adult parole board is at least two members. That particular section may have less relevance now with the other legislation that has passed in this place.

The fourth of the eight broad amendments that I have referred to refers to electronic monitoring devices being removed from prisoners, prisoners on parole and offenders without their consent. The provisions allow for reasonable force to be used to remove a device from an offender or from a premises.

Number 5 relates to the police use of firearms in prison emergencies. This area of change flows from learnings from the Metropolitan Remand Centre prison riot on 30 June 2015 and the one on 1 July 2016, which was the worst prison riot in Victoria's history according to the corrections commissioner — a riot that has cost taxpayers in excess of $100 million to repair damage, upgrade facilities and manage. The impacts on the corrections system are still being felt today as a result of that Metropolitan Remand Centre riot, including the impacts on police time for investigations of all the offenders involved in those actions and the impacts on court time for all those hearings that have to take place, all of which of course are necessary, but the point is that it should never have happened in the first place.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Community correction orders

Ms CROZIER (Southern Metropolitan) (14:01) — My question is to the Minister for Corrections. Minister, earlier this year as part of the Public Accounts and Estimates Committee process it was detailed that there were 207 Victorians out in the community on a community correction order with a current offence that can be classed as a child sex offence. Minister, as of 31 October how many Victorians are out in the community on a community correction order with a current offence that can be classed as a child sex offence?

Ms TIERNEY (Minister for Corrections) (14:02) — I thank the member for her question because it does provide me with an opportunity to talk about the community correction orders system that we have in this state. As I have advised the house on other occasions, we inherited a system that was completely under-resourced and was completely mismanaged by the previous government. There were a substantial number of offenders who just did not complete their court orders as a result, and the coalition did very little in relation to those who were high-risk offenders. We had a lack of funding, we had a lack of support and we had a lack of staff, and we have turned that around. We are starting to turn that around. We are starting to turn that around by investing $320 million into a system to make it work. We had a situation where we had limited access to community treatment options for offenders. We had inexperienced staff in case management roles involving high-risk offenders and limited training opportunities for staff, and we had high case loads for staff, even those managing high-risk offenders.

We have recruited over 300 additional staff, bringing the total number of caseworkers in this area to 930. They are people now that have got a career path that is based on skills and indeed training that leads them from being a caseworker right through to being an advanced caseworker and supervisor. It takes people through the TAFE system and the university system, whether it be for TAFE, undergraduate or postgraduate qualifications. We are about making sure that we have got a sophisticated case management system that highlights and puts focus and energy into maintaining close supervision over particularly high-risk offenders and making sure that the community is therefore kept safe in this state, unlike what we inherited. So we are improving community safety.

Community correction orders were considered by the Auditor-General. In February this year the Auditor-General acknowledged that Labor's investment in the community corrections system is comprehensive and that it addresses the key challenges faced by the community corrections system — key challenges that you, when you were in government, failed abysmally to meet.

Supplementary question

Ms CROZIER (Southern Metropolitan) (14:05) — That was not the answer I was seeking, but nevertheless my supplementary is: of the number of Victorians out in the community on a community correction order with a current offence that can be classed as a child sex offence, how many are on that order because of a forced child marriage?

Ms TIERNEY (Minister for Corrections) (14:05) — Thank you to the member for her question. I do not have that level of detail in front of me. In fact in terms of the numbers they change on a regular basis in terms of those on different offences. But can I say that the sole focus of this government when it comes to proper rehabilitation of people is making sure that the community service system is in place and that the system is working — that it is properly resourced, it is properly financed, it has got proper staff and it has got a proper case management system to make sure that we are managing those who are high risk right through to low risk. These are the things that you failed to do when you were in government. These are the very things that

are applauded in terms of the interventions that we have made in this system. We are now a world leader. We have other jurisdictions that visit this state and look at the changes that we are implementing.

Adult Parole Board of Victoria

Mr O'DONOHUE (Eastern Victoria) (14:06) — My question is also to the Minister for Corrections. In April 2015 the then corrections minister, Wade Noonan, announced that measure 1 of the Callinan review to establish a comprehensive case management system for the Adult Parole Board of Victoria, now called the case flow workflow system, would be implemented by the end of 2015. Despite that clear and unequivocal promise, on 7 September — or just eight weeks ago — a contract commenced with a recruitment firm to appoint a project manager to assist with the delivery of the adult parole board case workflow system. Minister, who has been appointed to this critical role and why has there been such a delay in getting to this preliminary stage?

Ms TIERNEY (Minister for Corrections) (14:07) — I thank the member for his question. This is a question that the member has asked on numerous occasions in terms of recommendation 1, and it has been a question that has been led in relation to clause 1 of a matter before this house. The fact of the matter is that I can confirm as a result of information I provided on a previous occasion that phase 2 is now complete. When I answered this question on a previous occasion I said that phase 3 was already in play so that there was an overlap between phase 2 and phase 3. Phase 3 is underway, and that will be completed next year.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:08) — Minister, noting that you did not address the actual substance of my question, I ask by way of supplementary: given the delay in even recruiting a project manager for this important project, can you guarantee that the existing three-year delay to deliver this project will not be blown out any further beyond 2018?

Ms TIERNEY (Minister for Corrections) (14:08) — I thank the member for his question. As I have said on numerous occasions and I state again, this will be completed in 2018.

Metropolitan Remand Centre

Mr O'DONOHUE (Eastern Victoria) (14:08) — My question is again to the Minister for Corrections. The February Public Accounts and Estimates Committee outcomes hearings were told that following the Metropolitan Remand Centre (MRC) prison riot on 30 June and 1 July 2015, 26 prison officer WorkCover claims had been approved and 19 were ongoing. It is now nearly two and a half years since the MRC prison riot — the worst in Victoria's history, according to the corrections commissioner. How many prisoners are currently on leave from work on WorkCover because of the physical and/or psychological injuries sustained as a result of this riot?

Ms TIERNEY (Minister for Corrections) (14:09) — I thank the member for his question. As all members of this house and the wider community will recall, that riot at the MRC was a devastating event that occurred within the corrections system. But when I have spoken about this in the past I have also stated that many of the issues, particularly those raised within Mr Walshe's report, pointed to the fact that the overcrowding and the double-bunking of the previous government-managed corrections system was a major contributor in the lead-up to the MRC riot.

Leaving that to one side, it is always an issue for any government to be concerned about the staff involved, particularly when there is an event or an incident — in fact it was a riot that occurred on that occasion. We are always mindful about what needs to be done for the staff involved, whether that be in terms of mental wellbeing, counselling or indeed other advice. They were offered assistance straightaway, and that has been maintained for a long time. In terms of the specific numbers of people involved at this point in time and in terms of who is still on WorkCover, I am prepared to provide you with that documentation or that advice, Mr O'Donohue. I do not have it available to me at this point.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) (14:11) — Thank you, Minister, and I have listened with much interest to your comments about being mindful of what needs to be done and the assistance that was offered straight after the riot, as you assert, because I recently received correspondence from a prison officer who was on duty on the night of the riot and who is currently suffering from post-traumatic stress disorder and is unable to work. He says, and I quote his correspondence to me:

> To this day I genuinely feel cast aside and forever damaged by a career I have pride in and wanted to work in for the rest of my career. I honestly feel as if I have been 'written off', and only token contact is maintained until such time as it comes to decide my employment future.

Minister, why is it that, despite your response to my substantive question, you have failed to adequately help those who have suffered the most as a result of your government's failure to prevent the worst prison riot ever seen in Victoria?

Ms TIERNEY (Minister for Corrections) (14:12) — I thank the member for his question. The member has raised particular issues about an individual case. I feel uncomfortable about making further comment unless I have got more information before me. Regardless, I would suggest if the member is in contact with the person to forward any details to me, and I would also suggest that the staff member concerned contact those that are in place to receive information within Corrections Victoria. I would encourage him to do so, and indeed if there are any difficulties with that then obviously I would recommend that he also contact the commissioner for corrections.

Youth justice centres

Mr FINN (Western Metropolitan) (14:13) — My question is to the Minister for Families and Children. Minister, contraband is an ongoing issue in our youth justice centres, and you have been previously questioned as to why medication was being put through the slots of cells and if young offenders were stockpiling medication. At the time you dismissed this, stating, and I quote:

> … post-Trump, post-truth world where they effectively just make things up and hope that some of it is going to be believed.

Freedom of information documents previously denied in full for months by the Department of Health and Human Services have been released by the Department of Justice and Regulation and show evidence — real evidence — that stockpiling of medication in youth justice cells occurs. Minister, when were you made aware of this practice occurring in youth justice, or will you still claim the Sergeant Shultz defence of knowing nothing?

Ms MIKAKOS (Minister for Families and Children) (14:14) — I thank Mr Finn for his question and for his interest in these matters. If the member were to go back and actually read the answer I gave to a previous question, he would acknowledge that he is effectively quoting me or paraphrasing me in a different context and not in relation specifically to matters regarding items getting passed to young offenders in a particular manner.

The point that I want to make to the member and to the house is this: contraband in any custodial facility is completely unacceptable. That is why staff in these facilities do work assiduously to ensure that contraband can be prevented from entering into these facilities. We have processes in place around searches of young people moving into and out of custody, bedrooms and accommodation units being searched on a regular basis, buildings and ground searches being conducted regularly, as well as searches being conducted of visitors and staff. Prohibited items are seized immediately, with anything illegal being reported to Victoria Police. Contraband has existed in custodial facilities for a long time; it is nothing new. The staff work assiduously to prohibit these matters, and what is occurring now is that we are moving towards aligning certain reporting practices post the machinery of government changes — —

Honourable members interjecting.

Ms MIKAKOS — As I have previously advised the house, we are aligning reporting practices as part of the machinery of government changes with youth justice going into the Department of Justice and Regulation so that details around contraband in relation to youth justice facilities can be publicly reported in a regular manner as has occurred with Corrections Victoria for some time. We have put in place additional measures through legislation that has passed through the Parliament in relation to drones and youth justice facilities to also take further steps to ensure that contraband does not enter our youth justice facilities through these means as well.

We have significant efforts being made by our youth justice staff and management to ensure that contraband can be prohibited from entering these facilities but that when it does occur it can be identified and appropriate action can be taken to remove these items from within our youth justice facilities.

Supplementary question

Mr FINN (Western Metropolitan) (14:18) — I thank the minister for her fascinating response, and I can only assume having listened to that that she travels to Sydney via Perth. My supplementary question is: Minister, further on contraband in youth justice centres, drug paraphernalia, white powder, methadone and ice were among some of the items also seized from youth justice centres under your watch.

Ms Mikakos interjected.

Mr FINN — That is right. Minister, you have previously also denied these items were in the youth justice system. Will you now advise the house that in fact these items are in our youth justice centres and

indicate how many of these items of white powder, ice, white crystals and drug paraphernalia have been seized in 2017 so far?

Ms MIKAKOS (Minister for Families and Children) (14:19) — Mr Finn has referred to information that has been made available through an FOI process. He has sought to conclude from those documents that particular items, in terms of how they were described, were in fact illicit substances. I think that he is drawing particular conclusions there in terms of those items, but I am happy to provide the member with a written response if these details are actually available.

As I made the point in replying to the substantive question, if illicit substances are seized, then they are provided to Victoria Police, and they would be the ones who would be in a position to determine whether a particular substance is in fact an illicit substance.

Freedom of information

Ms FITZHERBERT (Southern Metropolitan) (14:20) — My question is to the Special Minister of State. Last sitting week, in response to an interjection from Ms Wooldridge on FOIs that the minister's office ticked off every one of them, you stated, 'Ministers officers do not sign off on FOI requests' and 'I refute the accusation on the public record and in private. I refute it. I refute that FOI determinations are made by ministers in this government'. Minister, this has not been my experience when making FOI applications. How do your comments reconcile with those of the education department FOI officer, who advised that my application had been the oldest live application, that she had made every effort to progress it, that the decision was still with the minister's office and that amendments had been made in the minister's office?

Mr JENNINGS (Special Minister of State) (14:21) — I stand by my answer, and in relation to what has been conveyed —

Honourable members interjecting.

Mr JENNINGS — I stand by my answer. I do not resile from my statement, and I am quite happy to take the details of this particular case and to see —

Ms Wooldridge — To sack an FOI officer for admitting what happens.

Mr JENNINGS — No, no. If this has been conveyed to the member and if in fact the member can verify how that has occurred, I understand that the chamber would want some confidence that if this matter is investigated there will not be any adverse outcome for the officer that may have provided this information. I am happy to give that guarantee, but in fact this matter should be examined properly because what the member has been told, according to the member's contribution, does not fit with the practice that is meant to be applied across the government.

Supplementary question

Ms FITZHERBERT (Southern Metropolitan) (14:22) — Thank you, Minister. When I FOIed the FOI application I discovered that two briefs went from the education department to Minister Merlino advising him which documents they had decided to release. The first, unsigned, brief included a report about contamination on the South Melbourne Park Primary School site, and the second, which was signed and approved for release by the minister, made no reference to this report, not even to note that it was being withheld. Minister, given your firm comments that ministers do not interfere with departmental FOI determinations, how do your earlier assurances reconcile with Minister Merlino's blatant and ongoing efforts to hide a report that the department decided should be released?

Mr JENNINGS (Special Minister of State) (14:23) — I am aware of what the process is and what the processes comply with. If in fact the member has evidence that that has not been complied with, then I am happy to receive it and I am happy to respond accordingly, but I do not resile from my position that decisions are made by FOI officers. There may be circumstances where information is sought through FOI to ministers officers directly. Even in those circumstances the practice should be — the preferred model should be — that ministers ensure any information that relates to documentation held within their offices is appropriately referred to departmental FOI officers to make the determination. But I do not think that that is the category of documents that you have talked about, and in those circumstances ministers should not be determining the information that is released through FOI.

Public sector code of conduct

Ms WOOLDRIDGE (Eastern Metropolitan) (14:24) — My question is to the Special Minister of State with his responsibility for the public service. Minister, at the Public Accounts and Estimates Committee hearing the Secretary of the Department of Health and Human Services (DHHS) detailed the department's 2016 People Matter survey and indicated that 24 per cent of survey respondents had personally experienced bullying in the previous 12 months, of

whom 7 per cent were still experiencing bullying. A total of 25 departmental employees were terminated in 2015 and 24 in 2016 as a result of disciplinary outcomes. Minister, obviously no form of bullying is acceptable, and I ask: in 2017 so far how many DHHS departmental employees have been terminated as a result of disciplinary outcomes?

Mr JENNINGS (Special Minister of State) (14:25) — I thank Ms Wooldridge for her question. I agree with her that bullying is unacceptable in the workplace. It is unacceptable across the public service, and indeed I have worked with departments both at the level of departmental secretaries and with the human resource management teams within those portfolios to eradicate those practices. I have also been part of a process where workers' representatives — the unions — have come in and talked across the whole of government about the ways in which we can jointly undertake activities as employers and employees to eradicate workplace bullying.

The information that is provided in terms of the People Matter survey is undertaken by the Victorian public sector commissioner, and that work is undertaken on an annual basis in relation to the situation about employee satisfaction, their concerns about career advancement, professional development and the way in which they are involved in the administration and public administration. It is a very broad survey that also indicates what might be concerns for us in terms of a management issue or cultural challenges that confront us. So it is an all-encompassing survey that, as you could understand, is quite an onerous responsibility in terms of its being completed, digested and complied with.

The reason why I have given that history in relation to the People Matter survey is that the 2017 survey will be completed by the end of the year to see what the prevailing circumstances have been across the Victorian public sector. I do not have any real-time information about what might be adverse outcomes in relation to the management of any department — DHHS or any other department — in terms of actually seeking resolution of those matters, disciplinary procedures and what the consequences might be. I am happy to take advice from the department about what their circumstances may be, but I imagine that the member would totally accept that in my working knowledge on a day-to-day basis it is a bit hard for me to be able to determine how many people have been subjected to disciplinary procedures during the running of any calendar year.

Supplementary question

Ms WOOLDRIDGE (Eastern Metropolitan) (14:27) — Thank you, Minister, for that response. I am sure that in collaboration with the secretary of DHHS that will be able to be forthcoming. I note, supplementary to that, that action against bullying should occur across the public sector, including at DHHS, especially from our leaders. Minister, would a text message calling a colleague a 'C U Next Tuesday' warrant disciplinary action and possible termination under Victoria's public service code of conduct?

The PRESIDENT — Ms Wooldridge, I will give you a chance to rephrase to make it apposite to the substantive question, because I do not believe it is.

Ms WOOLDRIDGE — On a point of order, President, the substantive question was about bullying in DHHS. This comment is directly relevant to the leadership at DHHS and bullying of a colleague, and I put to you that it is directly relevant to that question. If the minister chooses not to answer it, that would be his prerogative, but it is directly apposite.

The PRESIDENT — Can I seek clarification. In the supplementary question are we talking about at an administrative level or are we talking about an exchange between ministers?

Ms WOOLDRIDGE — I am happy to repeat the question, President, because the question is very clear. Does a text message calling a colleague a 'C U Next Tuesday' warrant disciplinary action and possible termination under Victoria's public service code of conduct? I am very clearly asking it in the context of the substantive, which was about public sector standards of behaviour around bullying.

The PRESIDENT — The clarification I have is that it would be if something happened at a department level, and in that situation it is a hypothetical question and is not acceptable under our questions.

Ms WOOLDRIDGE — On the point of order, President, it is actually a factual question about a situation. It is a very factual question about a situation that may occur and whether it is relevant to the public sector code of conduct.

The PRESIDENT — 'May occur'.

Ms WOOLDRIDGE — No. If this happened, is it relevant to the public sector code of conduct? That is directly relevant — whether that is acceptable under the code of conduct — so I would put to you that it is

actually a factual question about the public sector code of conduct and its relation to behaviour.

The PRESIDENT — I am not prepared to accept it as a supplementary question, because it is a hypothetical. You actually said in that point of order it 'may occur'. That clearly goes to a point of speculation. It is tying in a matter that apparently happened between some ministers and did not happen at a departmental level. Your first question was about departmental administration, and therefore a supplementary question really must go to that. I would suggest it ought not be a speculative question, it ought to be about something that has actually happened.

Ms WOOLDRIDGE — It did happen.

The PRESIDENT — So somebody in the department sent this? Not a minister, someone in the department; correct? No. No supplementary question.

Cervical cancer testing

Dr CARLING-JENKINS (Western Metropolitan) (14:31) — My question is to the Minister for Health, represented by Minister Mikakos. Minister, women with disabilities have complained to me that they have been prevented from having regular Pap smears because they are unable to physically access the examination beds in government-sponsored medical facilities because their height is fixed and not adjustable. They are therefore at greater risk of dying of treatable cancer because of this gap in our service. This is a clear example of discrimination against women with disabilities, with potentially terrible consequences. Can the minister explain why this gap is not being addressed and outline steps to immediately rectify this health disparity?

Ms MIKAKOS (Minister for Families and Children) (14:32) — I thank the member for her important question, and I can advise her that of course it is important that all women undergo such a medical examination on a regular basis. It is important that we reduce the incidence of cervical cancer, and I would certainly encourage women to avail themselves of such examinations through the public health system. In terms of the specifics around the difficulties of women with disabilities accessing such examinations, I will seek a written response to the member, but I do think she has posed an important issue that does warrant further examination.

Waste management

Ms SPRINGLE (South Eastern Metropolitan) (14:33) — My question is for the minister representing the Minister for Energy, Environment and Climate Change. Following the disastrous fire at Coolaroo in July this year, waste management companies have spoken out about SKM Recycling's reduced capacity to accept and process recyclate. As a result of the fire at Coolaroo, is Victoria now sending large amounts of recyclable materials to landfill?

Mr JENNINGS (Special Minister of State) (14:33) — I thank Ms Springle for her question. I am not quite sure about any change in circumstances of matters that might have actually gone to that particular facility, and I do not really want to speculate on that. If you want an acceptance that too much material goes into landfill, let me actually concede that point and let my colleague then talk about the way in which we are wanting to make sure that we have active policies and programs within the state to maximise the degree of recycling and re-use that occurs and to minimise the degree of material that goes into landfill. I am sure my colleague will be able to outline that to you.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) (14:34) — How much recyclate was sent to landfill in the aftermath of the fire at Coolaroo, and has Victoria's recycling capacity now returned to pre-fire levels?

Mr JENNINGS (Special Minister of State) (14:35) — I am happy for my colleague to respond to that, because I think all of us would be in a better situation if there were an active, vibrant recycling industry and recycling opportunities in Victoria. We should, as a government, provide whatever support we can to actually make sure that that is the outcome that is achieved.

Victorian Commission for Gambling and Liquor Regulation

Ms HARTLAND (Western Metropolitan) (14:35) — My question today is for Minister Dalidakis on behalf of the Minister for Consumer Affairs, Gambling and Liquor Regulation. A fortnight ago three whistleblowers made a series of allegations against Crown Casino and also the Victorian Commission for Gambling and Liquor Regulation (VCGLR). I would like to read two of those quotes. An Auditor-General's report from earlier this year said that the VCGLR 'has not monitored compliance with the gambling and liquor legislation adequately'. Considering this report, my

question is: how is the VCGLR the best body to investigate these allegations regarding Crown?

Mr DALIDAKIS (Minister for Trade and Investment) (14:36) — I thank the member for their question, and as is my practice, I will take that question on notice and relay it to the minister in the other place.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) (14:36) — I have answers to the following 24 questions on notice: 11 481, 11 486, 11 488, 11 494, 11 503, 11 509, 11 511, 11 517, 11 526, 11 531, 11 533, 11 539, 11 548, 11 553, 11 555, 11 561, 11 570, 11 575, 11 577, 11 583, 11 629, 11 644, 11 668, 11 669.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT (14:36) — In respect of today's questions, Ms Crozier's question to Ms Tierney, both the substantive and supplementary question; Mr O'Donohue's first question to Ms Tierney, just the substantive; Mr O'Donohue's second question to Ms Tierney, both the substantive and supplementary, and I might indicate just for the minister's guidance that whilst I think Mr O'Donohue did refer to an individual by way of example, I think his question actually went to more systemic support systems; and Mr Finn's question to Ms Mikakos, substantive and supplementary questions. All of those are one day.

Ms Fitzherbert's question to Mr Jennings, the substantive and supplementary questions, two days. Ms Woolridge's question to Mr Jennings, the substantive question, two days. Dr Carling-Jenkins's substantive question to Ms Mikakos, two days. Ms Springle's question to Mr Jennings, both the substantive and supplementary questions, two days. Ms Hartland's question to Mr Dalidakis, the substantive question, two days.

RULINGS BY THE CHAIR

Questions on notice

The PRESIDENT (14:37) — I also indicate that I have received further correspondence from Mr Rich-Phillips in respect of a request for the reinstatement of a number of questions on notice. The questions referred to are 11 483, 11 484, 11 486, 11 528, 11 550 and 11 572. Each of these questions basically seeks some information on ministerial staff numbers. I note that the answer to each of these questions is a standard referral to annual reports. I stand to be corrected, but it is my understanding that ministerial staff numbers are not detailed in annual reports, only departmental staff. I am a little bit concerned not only that we are just getting the standard rebuff but also that Mr Rich-Phillips, in this case, has been referred to documentation that would not have the information he is seeking. In that context I certainly reinstate each of those questions.

CONSTITUENCY QUESTIONS

Eastern Victoria Region

Mr MULINO (Eastern Victoria) (14:39) — My constituency question is for the Minister for Sport in the other place, and it relates to the country football and netball program, which is a program that supports a whole range of infrastructure upgrades. In particular my question relates to the Mount Evelyn Netball Club court, and I ask for funding for additional lighting for that court so that additional teams can train and undertake sport programs at that facility.

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) (14:39) — My constituency question is for the Minister for Planning in relation to the site at 40 Mount View Road, Boronia. The site is home to 73 plant species, four of which are critically endangered and 11 of which are endangered. What provisions will be made to ensure the protection of the two areas of biological importance, including 0.75 hectares of lowland forest listed as vulnerable and 2 hectares of valley heathy forest listed as regionally endangered?

Northern Victoria Region

Ms LOVELL (Northern Victoria) (14:40) — My constituency question is for the Minister for Creative Industries. The Australian National Piano Award is held in Shepparton every second year and attracts the nation's finest young classical pianists. The event costs approximately $250 000 to stage, usually funded by Greater Shepparton City Council and private benefactors.

In July 2017 I was contacted by a constituent seeking advice on available government funding streams to contribute to staging the event due to the death of a major benefactor. My initial letter to the minister on 6 July was acknowledged on 21 July with an interim

response saying that an official response on the matter would be forthcoming at a later date. After four months, despite numerous further requests and the minister's office telling my staff that a response had been mailed on 3 October, I still have not received a reply. Minister, can you please provide a response to my letter dated 6 July as a matter of urgency?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) (14:41) — My question is to the Minister for Education, Mr Merlino. I allude to last week's announcement regarding the beginning of the stage 2 upgrade of Tarneit College. This investment follows the completion of stage 1 in 2012, which saw the creation of year 11 and 12 classrooms, state-of-the-art design and science buildings and additional car parking space.

Labor's record investment in schools in the last budget has led to a marked increase in upgrades for new schools. The unprecedented $2.5 billion spend is going towards ensuring that our children have the quality education facilities they all deserve. This investment will immensely benefit my constituents in the western suburbs, with many of the 56 new school projects situated in our outer suburban growth corridors. Can the minister please provide me with further information on the $11.6 million upgrade at Tarneit College? How will this additional investment benefit students in my constituency of Western Metropolitan Region?

Western Victoria Region

Mr MORRIS (Western Victoria) (14:42) — My constituency question is directed to the Minister for Planning, and it relates to the announcement that the government has made with regard to the GovHub in Ballarat. The supposed GovHub is expected to be placed on the civic hall site. The civic hall building, as anybody who is familiar with the building in Ballarat would know, has been quite a divisive building in terms of whether it is kept or whether it is demolished. The decision has been made by the council to keep the civic hall.

However, there is significant concern about what the plan for the GovHub is going to look like, the potential impact of the GovHub on the civic hall building and indeed whether or not the fly tower and the lower hall are going to be kept as part of the redevelopment of the site. The question I ask is: can the Minister for Planning release the plans for the GovHub on the site so the community can have certainty about the impact it will have on the civic hall building?

Western Metropolitan Region

Mr FINN (Western Metropolitan) (14:43) — My constituency question is to the Minister for Roads and Road Safety. Minister, on a number of occasions I have asked about the government's plans to remove the roundabout of fortune — or is it misfortune — on the corner of Gap Road and Horne Street in Sunbury. As Sunbury continues to grow, so does the traffic volume, as does the danger level of this particular roundabout. As we approach the end of 2017, will the minister confirm when the physical construction of this removal will begin and when it will be finished?

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) (14:44) — My matter is for the Minister for Emergency Services. There are clearly serious problems with our fire services statewide, but it is with respect to my local Metropolitan Fire Brigade station and the quality of service there and with respect to my constituents who move around the state of course — they holiday in Country Fire Authority regions — that I speak of in seeking a response from the minister. We know that there is bullying. We know that what is occurring in many of our fire services is wrong. We know that there are issues that affect my electorate of Southern Metropolitan Region. I ask on behalf of my constituents whether the minister will reconsider his rejection of a royal commission, which has been called for by the opposition. This would independently finally get to the problem of what is wrong. My constituents deserve that, and I believe he should reconsider it.

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) (14:45) — My constituency question this afternoon is for the Minister for Sport, John Eren, and it concerns Northcote City Football Club in my electorate of Northern Metropolitan Region, which has been active since 1970. Quite frankly, they have run out of space. The City of Darebin and Sport and Recreation Victoria have done a deal with Football Federation Victoria (FFV) to allow FFV and Darebin City Council to work out how they spread the grounds for available use. But the reality is that in 2018 and beyond there are going to be no local grounds allocated for the junior boys and junior girls to attend training and play competitive matches on behalf of Northcote City Football Club. My question to the minister then is: could he direct Sport and Recreation Victoria to work with FFV and Northcote City Football Club to find grounds for these kids so they can play the world game and report back to me on the outcome?

Eastern Victoria Region

Ms BATH (Eastern Victoria) (14:46) — My constituency question goes to the Minister for Education, the Honourable James Merlino, and it relates to Korumburra Secondary College and the completion of the rebuild that the Liberals and The Nationals started in their term of government. In 2014 the Liberals and The Nationals provided $5.6 million for stage 1 of the Korumburra Secondary College rebuild, with a further commitment of $9 million to finish completion of that great school. It is disappointing that over three consecutive budgets we have not seen any commitment from the minister in relation to Korumburra Secondary College, so I ask: will the minister commit to funding stage 2 of the school rebuild on or before the forthcoming budget?

CORRECTIONS LEGISLATION FURTHER AMENDMENT BILL 2017

Second reading

Debate resumed.

Mr O'DONOHUE (Eastern Victoria) (14:47) — Before question time I was just working my way through this bill, the Corrections Legislation Further Amendment Bill 2017, dealing with the eight broad changes that this bill seeks to introduce. I was talking about the police use of firearms in prison emergencies and giving the context — this change has come about from learning from the Metropolitan Remand Centre prison riots of 30 June and 1 July 2015. The minister in question time sought to deflect the responsibility of this government for that riot. I note that despite overcrowding challenges in the New South Wales prison system they implemented a smoking ban one month after Victoria without incident, without riot, without millions of dollars of destruction and without prisoners running amok and causing injury and harm. They did it in the Northern Territory. They did it in New Zealand. They have done it in about half the states of the US. In fact the only place I am aware of where there was such a serious riot that caused so much damage and inflicted so much harm is Victoria, with the riot that took place under the watch of the Andrews government. Part of the learning from that process is this change that is before the house today.

The bill seeks to clarify that Victoria Police members, where they have been authorised to exercise the powers of a prison officer in the case of a prison emergency, have the power to use firearms. However, a police officer may discharge a firearm at a prisoner only if the prisoner escapes or attempts to escape from custody and the officer reasonably believes that discharging the firearm is the only practicable way to prevent the escape of the prisoner from custody. The provisions extend to a police officer using a non-lethal firearm as well.

Talking about escapes from custody, we have had two escapes from prisons in the last two weeks. During the last sitting week there was a Middleton prisoner who escaped from a work gang, and it took around a week for that offender to be apprehended up near Swan Hill. Just a few days ago there were reports of another prisoner who escaped from the Dhurringile Prison who was apprehended shortly after the escape. So in the context of escapes — and this part of the bill is dealing with a situation where prisoners may escape and what force may be used in certain circumstances — we have had two escapes from prisons or prison custody in Victoria in just the last couple of weeks.

The next change is the trial of a paid prisoner employment scheme. The bill makes provision for the trial of a paid prisoner employment scheme with eligible prisoners drawn from the Judy Lazarus Transition Centre (JLTC). It is envisaged that the number of prisoners participating will be between 20 and 25. Of course paid prisoner employment schemes have been previously recommended by the Victorian Ombudsman, and the government has flagged that a successful program may be extended to eligible female prisoners, most likely from the minimum-security Tarrengower Prison. The bill provides that part of any prisoner's pay will go to victims or victims programs.

My third amendment deals with this paid prisoner employment scheme. As you would be aware, prisoners currently employed in prison employment earn somewhere around $10 a day. The concept that we have before us today is that prisoners earn market wages. In the context of that significant change in wages being received, I think it is reasonable and the opposition thinks it is reasonable that in addition to paying a proportion of the prisoners pay to victims or victims programs, which we support, prisoners also pay a proportion of their wages to be determined by the Secretary of the Department of Justice and Regulation to recover some of the costs of their incarceration.

As we know, incarceration is expensive, and it is not unreasonable if prisoners are earning market wages or earning significant wages that they pay a proportion of those wages to cover the cost of their incarceration, because the type of prisoners we are talking about at the JLTC are those who are deemed minimum risk and who are likely to be released into the community in a short time. Getting them ready to live in the community

means paying their own bills and covering their own costs, and if they are working and earning a wage, it is not unreasonable that they pay a proportion of that wage to contribute to the costs of their incarceration, just like they would have to do to cover their own costs when they are released. That is the substance of the third amendment I will seek to move. It would appear to me that while the amendment is drafted in the context of this being a decision of the secretary, a proportion — something around 20 per cent — would be reasonable in the circumstances for prisoners to pay to Corrections Victoria to cover part of the cost of their incarceration.

The next element is the supervision of offender alcohol and drug tests. There has been some concern that offenders may have been manipulating the existing alcohol and drug testing regime by providing substituted samples of others, and some pathology clinic staff who have raised concerns about sample authenticity have been intimidated by offenders. The bill provides new powers for community corrections staff to supervise and carry out alcohol and drug tests on offenders by breath or urine samples only. Such supervision or the carrying out of tests by community corrections staff will only occur if the Secretary of the Department of Justice and Regulation or his or her delegate reasonably believes it is required to ensure an accurate assessment of alcohol or drug use by the offender.

The custody of prisoners appearing before the chief examiner is the final area of change of the bill. Victoria Police, we were advised, sought amendments to the practical application of the custody, transport and supervision arrangements for prisoners who are required to give evidence at an examination hearing before the chief examiner under the Major Crime (Investigative Powers) Act 2004. Currently the police officer who sought the examination order must maintain custody of the prisoner, which of course is impractical and time-consuming for Victoria Police. The reality in practice is that Corrections Victoria escort officers or other prison officers transport the prisoner in the presence of the police officer who sought the examination order. The amendments will allow any police officer, police custody officer, prison officer or escort officer to take custody and return a prisoner to a place of detention, which can be a location other than the location where the prisoner was originally held. That change would appear to be reasonable.

The final thing I want to flag as of some concern — and perhaps the minister can address this either during the committee stage or in her summation of the second-reading debate; I would appreciate a response from the minister in due course — is what the secretary of Police Association Victoria said in response to a request for feedback on this bill about the provision within new section 55L(4), which dictates that the security officers are to return a prisoner to police custody in circumstances in which the prisoner has committed an offence or in the case of cancelled parole. The police association considers that there is no reason for the prisoner already in custody to be delivered to police prior to being returned to a corrections facility by the corrections officer. As the prisoner is already in front of the parole board with authorised security and corrections staff present, the involvement of Victoria Police members at this stage is unnecessary. So I just flag that with the minister: could she respond to that feedback that the police association has provided to the opposition in consultation on this bill?

With those words, the opposition will not be opposing this bill, but I look forward to debating those amendments as flagged during the committee stage.

Mr LEANE (Eastern Metropolitan) (14:56) — I am happy to support the Corrections Legislation Further Amendment Bill 2017. The main purpose of this bill is to create a new class of officer responsible for providing security at the Adult Parole Board of Victoria, to clarify the powers around removal of electronic monitoring devices and equipment from offenders who do not consent to the removal, to clarify powers in relation to the use of firearms by prison officers and authorised police officers, to prohibit certain contraband items in prisons, to allow community correction officers to supervise or conduct drug and alcohol tests on prisoners on parole and offenders subject to community correction orders, to clarify provisions relating to the adult parole board, to insert regulation-making powers permitting regulations to be made that enable prisoners to engage in paid employment and to insert a transitional provision in relation to parole. This bill, as I just stated, is designed to make a number of changes to improve the operation of the corrections system to enhance community safety. Most of these changes made by the bill, we would like to think, are reasonable, commonsense changes, and we hope they receive support from across the chamber.

Dealing with contraband in correctional facilities is a constant battle. As Mr O'Donohue, the previous speaker, would appreciate, no matter what government is in power, it is a constant challenge. I note that when Mr O'Donohue was the Minister for Corrections, contraband such as frozen chickens was found in the correctional system. I am not sure how those chickens remained frozen — I do not know if freezers were

brought in as well as the frozen chickens — but that is just an example of the challenges that the corrections system has around contraband. Talking about frozen chickens, contraband as in KFC — Kentucky Fried Chicken — was actually found in the correctional system when Mr O'Donohue was the minister as well. I am not too sure how a bucket of original recipe can make it through and into our correctional system, but as I said, that is an example of the challenges which we constantly face.

Just in response to another part of Mr O'Donohue's contribution which I would like to take up, Mr O'Donohue made certain statements around the Metropolitan Remand Centre riot, but I think in fairness Mr O'Donohue and his then government need to take some or most of the responsibility for that particular event. This was a finding of the former deputy commissioner for police, Kieran Walshe, who was appointed to do a report and review that particular riot. A huge part of the responsibility was the inaction leading to overcrowding in the Metropolitan Remand Centre, which Mr Walshe found, as I said, was one of the main causes of it. And speaking of ex-Deputy Commissioner Walshe's report, I have been advised by the minister that Mr Walshe was asked to come back and review the implementation of the recommendations from that report to ensure that the government has done the right thing, followed up on his recommendations and implemented them to the full. He found in that review that that has been the case.

When there are issues with the correctional system I think the appropriate action, as in this instance, is to actually get someone with the experience of Mr Walshe to look into what was absolutely an unfortunate situation, work out why it got to the point that the situation blew up the way it did, make recommendations for the future so that it does not, hopefully, ever happen again and for the government to implement those recommendations and then actually get the expert that made those recommendations to come back and ensure that has been done. So I commend my government on that approach.

In relation to Mr O'Donohue's amendments, the government will not be supporting them. The amendment with the aim to involve protective services officers is not supported by the police or the Adult Parole Board of Victoria. They believe it would cause confusion in the event of a situation, because prison officers from Corrections Victoria are trained and equipped to deal with those situations. As I said, that has led us to believe that this amendment is not necessary.

In relation to the other amendment that has been proposed, while we appreciate the intent as far as it concerns victims of violence, we would see that it might be a disincentive for prisoners to work in the future, which would mean less money would go to those victims, so we are not in a position to support that particular amendment. With those few words, I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) (15:04) — I am pleased to speak today on the Corrections Legislation Further Amendment Bill 2017, which makes a number of amendments to the Corrections Act 1986, particularly with regard to the Adult Parole Board of Victoria and to contraband items in prisons. It also makes amendments to the Major Crime (Investigative Powers) Act 2004, the Bail Act 1977 and the Victoria Police Act 2013, which are mainly minor and consequential amendments.

I agree with Mr O'Donohue that from time to time we get these bills that make some amendments to the Corrections Act 1986 to deal with things that need clarifying or updating or tightening up. While we will not be opposing this bill I have some remarks to make, particularly with regard to clause 8 of the bill, which deals with prison contraband. We asked quite a few questions of the minister's office with regard to this bill, and I would like to thank the minister's office for the time they took to respond to our questions with regard to that clause.

The key changes that are made by this bill are that under clause 3 the bill amends the Corrections Act by placing definitions for the terms 'board', 'security officer', 'serious violent offence', 'sexual offence' and 'terrorism or foreign incursion offence' into the same section of the act that contains other defined terms, so it is basically a clearing-up type of amendment under this clause. The term 'security officer' is a new definition for those officers who will be responsible for providing security functions at the adult parole board. That class of officer is created under clause 4.

Clause 8 is probably the most substantial change or provision in the bill. This inserts a new section 31A offence for prisoners to possess certain items in prisons. New subsection 31A(1) states that:

> A prisoner must not possess, make, use, control, conceal, give or supply a category 1 item or a category 2 item in a prison without a reasonable excuse.

A category 1 item, which will attract a maximum penalty of two years imprisonment, covers explosives, a controlled weapon, a dangerous article or prohibited weapon, a firearm, child abuse material, a device

capable of communication using any technology and a drug of dependence. I will be asking the minister in committee with regard to category 1 items — or she may wish to make some comments now — what is meant by a 'drug of dependence', because it does not say 'a drug of dependence as defined elsewhere in the statute book' and it does not define it in the bill either. 'Drug of dependence' is a very wide term.

The other issue in terms of this clause, which looks at preventing risks to safety and the good order of the prison and in particular risks to the safety of other prisoners or the safety of prison officers — and indeed risks to the safety of visitors to the prison or any other people who maybe come into a prison, like volunteer visitors and health professionals et cetera — is that I can understand things such as explosives, controlled weapons, dangerous and prohibited weapons and firearms, for example, but why drugs of dependence are actually included in this category I am not quite sure. The other items are clearly items that can cause harm to other people by their use — I do not think I have to explain that — whereas with drugs of dependence I am just not quite sure why they are thrown in category 1.

Category 2 items under this clause, which will attract a penalty of up to 12 months imprisonment, include implements or devices used to administer a drug of dependence, a drug or medication that is not prescribed for the prisoner and an electronic storage or recording device that is capable of processing information but not capable of communication, as opposed to the one in category 1, which can be used for communication. Again, particularly with the use of mobile phones and other technology to organise criminal activity I understand why there is a distinction between the two and why they are included.

As stated in the statement of compatibility and in answers we got back from the minister's office with regard to the policy behind these changes, currently under section 50 of the Corrections Act these types of offences can be basically dealt with at the moment by the prison governor by a withdrawal of privileges and that type of thing. I can understand if one has smuggled in a firearm and is maybe planning to use that for nefarious purposes that a reduction of privileges by the governor is not necessarily an appropriate retribution for that type of activity, so I can see the policy behind that. But it is quite a big change, because under this bill possessing the most serious types of contraband will now be punishable by imprisonment and a new criminal offence will be created for the possession or use of certain types of contraband in prisons, with the level of penalty based on the gravity or seriousness of the contraband or the conduct. This will address contraband that poses the most serious risk to prisoners' security or causes harm or death et cetera.

It is important to note that this is not a double punishment. Existing section 16 of the Sentencing Act 1991 provides that every term of imprisonment imposed on a prisoner by a court in respect of a prison offence must, unless otherwise directed by the court because of the existence of exceptional circumstances, be served cumulatively on any uncompleted sentence or sentences of imprisonment imposed on that prisoner whether before or at the same time as that term. So it is a big change in regard to the existence of the offence and the penalty that is attached to it.

I would also say that simply increasing penalties for prisoners in relation to contraband may not always be the sole solution to the problems — in particular, as I mentioned before, with the inclusion of drugs of dependence in category 1. It is critical that those prisoners with drug and alcohol issues who are caught with them in prison be given access to high-quality drug and alcohol rehabilitation programs. Those running such programs need sufficient investment as well as the means to ascertain the size of the programs required and how regularly to run them. This can be accomplished through having data on the waiting lists for such programs.

The minister will remember that I have questioned her about this in Parliament. During the budget estimates hearings this year I also questioned the minister about the extent of the government's additional funding for drug and alcohol programs and whether that would assist with the waiting times for those programs. The minister stated that there were no waiting time measures associated with additional funds the government was providing. In response to my additional question on notice in June this year with regard to the issue of waiting times for programs in prison the minister stated:

> There is no average wait time for access to AOD —

alcohol and other drugs —

> programs across the system or at individual prisons, as wait times are not routinely collected for AOD programs.

I think this is a serious issue because in this bill we are including in the new provisions the possession or use of a drug of dependence as a category 1 offence but at the same time we are not collecting any data on the waiting times for prisoners who have alcohol and drug problems. However, we know from anecdotal evidence and other evidence provided by studies into this issue, which I have raised for many years in this place, that

prisoners routinely do not have access to alcohol and drug programs, and if they do, they have access to them towards the end of their prison term, not from the beginning when they first enter prison. We also know that a large number of prisoners do have alcohol and drug problems. So while we are not going to oppose the bill, the issue still needs to be taken seriously. Just punishing prisoners for the possession of drugs in prison is not going to solve the problem.

The Auditor-General addressed this issue in 2003. He said:

> Weaknesses in performance reporting, evaluation and risk management practices mean that the Department of Justice does not know whether its prevention and detection controls, or its management and treatment programs are as effective or efficient as they could be. These are areas that the Department of Justice has recognised it needs to improve, and it has started to make changes.

Of course that is now the Department of Justice and Regulation. He also said:

> Given the high number of prisoners entering prisons with problematic drug use, completely eliminating prohibited drugs from entering prisons is unrealistic. It would essentially mean stopping prisoner visits, which are an essential part of prisoner rehabilitation and maintaining community and family connections. It is therefore incumbent on prison managers to prevent, as far as possible, drugs from entering their prisons while also working with prisoners to address their drug use. This is consistent with the harm minimisation approach.

I want to really emphasise those points. I am not sure if the minister heard me when she was at the other end of the chamber there, but I was referring to the questions that I have already asked her about the lack of data collection by the department in regard to how long prisoners have to wait for drug and alcohol rehabilitation programs. She may want help with the answer to that question.

Clause 9 provides for functions of security officers at a premises where the Adult Parole Board of Victoria meets, where employees of the department who are assisting the board to perform its functions are located or if they are required to assist a police officer with the performance of their duties at a premises where the board meets. We support this measure, but I note that Mr O'Donohue has circulated some amendments which include adding protective services officers to the new security officers under this provision in this bill. I was wondering about that amendment because at first glance it seemed like a reasonable amendment. I note that in his contribution Mr Leane mentioned that the government would not be supporting it because the adult parole board does not support it and the police do not support it. I am sure we will go to why that is the case in the committee stage with the movement of the amendment.

The bill also inserts a new section into the act for the provision of the use of firearms by police that are exercising the duties of a prison officer. It clarifies powers with regard to the removal of electronic monitoring devices from parolees and those subject to community correction orders. It allows the secretary to direct that a prisoner be tested for alcohol or drug use. Again testing people for alcohol and drug use is fine, but a lot of people in prison do have those problems and we really do need to step up the programs to enable those prisoners to leave prison free of their drug and alcohol problems as much as possible.

They are the main provisions of the bill, and the Greens will not be opposing the bill. We will not be supporting the amendment put forward by Mr O'Donohue with regard to prisoners who are on out-of-prison work programs and are earning some money, part of which he proposes should go towards the cost of their incarceration. I find that particular amendment quite disturbing because when you are thinking about who those people are, they may be the very people I have been talking about who have gone to prison with alcohol and drug problems, may have gone through some programs, have tried to do the best they can to rehabilitate themselves and are now out on work programs trying to get their lives back together. They can be among the most vulnerable people.

We know clearly from the evidence that the vast majority of people in prison come from only about six postcodes in Victoria. We know that the vast majority of people in prison have not completed secondary education and very few have any tertiary qualifications. They come from socio-economically disadvantaged areas, and it is incumbent on the community and the state to fund prisons. If we are going to send people to prison, we should fund them, as taxpayers. To suggest that for this group of people — who, by the very fact that they are out on leave working, have been deemed to be of low risk and are putting their lives back together — we should be deducting amounts from their pay I think is quite disturbing, and we will not be supporting it.

Mr MORRIS (Western Victoria) (15:20) — I rise to make my contribution to the Corrections Legislation Further Amendment Bill 2017. I follow on from others who have spoken about this bill. As Mr O'Donohue outlined, the eight broad amendments that are contained within the bill are going to change the Corrections Act 1986 and the Major Crimes (Investigative Powers) Act 2004. The bill will introduce a new offence to

strengthen the operation of the corrections system by addressing the possession or use of prohibited contraband in prisons. I note that this has been a topic of significant discussion, as the contraband in prison is of course very concerning and also at times difficult to stop. However, it is important that governments do all they can to ensure that contraband is kept out of prisons. We have heard of some disturbing revelations of late of instances where drones and the like have been used to drop contraband into prisons. That is quite concerning.

There are other instances of where drugs and other contraband items such as mobile phones and the like are being taken into prisons. The taking of mobile phones into prisons is quite concerning. We often hear reports of underworld figures and the like continuing their operations from within prison and exerting their influence whilst they are behind bars. If they have mobile phones and the like, they are going to be able to do that much more easily and perhaps instigate further crimes outside of prison from within the prison itself. It is quite concerning that that may occur, and everything should be done by the government to ensure that it does not.

I also note that this bill creates a new security officer role to provide security to the Adult Parole Board of Victoria. I certainly commend the amendment that has been proposed by Mr O'Donohue to ensure that these officers are the appropriate officers with the appropriate equipment to ensure that their job can be done properly to keep security at a high level at the adult parole board. The work of the adult parole board is important work. It is difficult work, and I can understand that it can be quite emotive for some of the prisoners involved, so to ensure that the security of the parole board can be maintained it is important that the appropriate officers are employed in this position and they have the appropriate equipment to ensure the security of the parole board.

The bill will also improve the operation of the parole system, including putting beyond doubt the application of laws that were introduced last year in relation to cases of police murderers. It is important that all that can be done is done to protect our police officers, but it is something that I feel this government is failing our hardworking police officers on miserably. I certainly commend Mr O'Donohue's work in introducing specific legislation to make the ramming of a police car an offence. It was only after Mr O'Donohue had introduced a bill in this house that the government committed to introducing their own bill to ensure that police officers would have the protection of a specific law outlawing the ramming of a police car. It was in August this year that the government made this commitment, and thus far we have seen zero movement. The minister said that there would be legislation introduced in Parliament within weeks and that the legislation would pass through the Parliament and there would be a new law to protect police officers before the end of the year.

Looking at the constraints of the sitting calendar for this year, I have grave concerns that the government will fail to keep their commitment to the hardworking men and women of Victoria Police, because we are still yet to see a bill. If a bill is not introduced this sitting week, I have grave concerns that the government will fail the people of Victoria and indeed the hardworking people of Victoria Police by not having the law in the statute books, as the minister promised in August this year. It is something that I call on the minister to do, and do posthaste, to ensure that that commitment is kept.

This bill creates an explicit power to remove electronic monitoring devices or equipment and also clarifies that provisions relating to the discharge of firearms in prison emergencies apply to police officers who are authorised to exercise the powers of prison officers. It further allows a regulation to permit a trial of a paid prisoner employment scheme with a mandatory contribution to victims of crime and their families. Related to this is Mr O'Donohue's amendment that would ensure that some of any moneys that prisoners are able to earn during this period would be quarantined, in effect, to go to making a contribution towards the costs of the prisoners' imprisonment during the period of the agreement.

This is a very sensible amendment to the bill. It will ensure what is broadly expected in the community. I think any average fair-minded citizen would accept that if a prisoner who is still repaying their debt to the community for a crime they have committed is going to be earning money during their time of imprisonment, not only should some of that money go to victims of crime but some of that money should also go towards the cost of their imprisonment. We know it does cost a significant amount of money to keep prisoners in prison. They are there because they have committed an offence — they are there because of acts that they have committed — and they should be paying their way if they are earning moneys during that time.

The bill also makes provisions for community correction officers to carry out or supervise offender alcohol and drug tests and goes on to clarify the custody arrangements of prisoners appearing before the chief examiner. This bill also makes minor amendments to the Bail Act 1977 and the Victoria Police Act 2013.

I certainly look forward to hearing further debate from members in this chamber. However, I would just like to emphasise that I hope the amendments proposed by Mr O'Donohue are supported by the house. I think they are very sensible amendments. I think they certainly would improve the bill, and I look forward to seeing them supported in this house to improve the bill introduced by the government. At this juncture I thank you, Acting President.

Ms PATTEN (Northern Metropolitan) (15:28) — I would like to rise to briefly speak on the Corrections Legislation Further Amendment Bill 2017. I was almost not going to speak on it — until I heard the minister's statement today and her being so pleased at the work that they are doing on hepatitis C and increasing the treatment being made available for hep C in jails. I think it is excellent work. The fact that we have finally got a treatment for hepatitis C that can be given to people within six to 12 weeks and can completely cure them of a virus that has been dogging us for years will mean that the cost of looking after those people in the future will be greatly reduced, because most people with hepatitis C will go on to have some form of liver disease and may go on to need liver transplants. The treatment, even as expensive as it is, is actually a very good investment. However, I think this bill actually goes against the work of those treatments.

The bill does a number of things. It is an omnibus bill. From my position, they are largely positive and I am largely supportive of them. But it is the provisions within the bill that relate to drug paraphernalia that will adversely affect health outcomes in prison by increasing bloodborne virus transmission. I think sadly this was actually a time when, while maintaining our prohibition on contraband, increasing our monitoring of contraband and working towards that, we could have also looked at other ways to reduce bloodborne viruses in our jails and reduce risk for the officers who work there, and the basis of my contribution is around the increased penalties for having drug paraphernalia in jails.

In May this year the Australian Medical Association (AMA) called for needle and syringe exchange programs in prisons. They did so because, as the minister also attests, bloodborne virus prevalence in prisons is significantly higher than in other populations. What is worse is that anecdotally — we do not test prisoners when they leave prison, we only test them when they go into prison — we are hearing that more prisoners are coming out of prison with hepatitis C than are going into it. Now, I certainly respect the fact that the hepatitis C treatment programs will hopefully reduce those numbers, but it still goes to the point that people are contracting hepatitis C in prisons, and needle exchange programs could help that.

By making it more difficult around contraband by increasing the penalties what we may see, if increased penalties are successful, is needles taking on greater value in prisons. We already know that because we got rid of cigarettes the barter value of patches and the barter value of syringes in prisons is very high, and the value of that syringe will only increase. I quote the AMA at this point:

> Providing evidence-based prevention, testing, treatment and management, and harm reduction strategies (such as access to condoms and lubricant, regulated NSPs —

needle and syringe programs —

> and access to disinfectants such as bleach), are proven to be effective in the prevention of transmission of viral hepatitis and HIV in prisons, and establishing a safer environment for both prisoners and prison officers.

This has been borne out in many countries. The World Health Organization, the UN, UNAIDS and the Office of Drug Control have all concluded that there is evidence showing that needle and syringe programs are feasible in a wide range of prison settings. Switzerland, Germany, Spain, Portugal, Iran, Afghanistan and at least seven other countries all do this.

Now, when we were in Switzerland recently with the drug law reform inquiry we were told that in actual fact prison officers demand syringe programs in those jails because it is safer, because when you have got needles being hidden in pillows and hidden in mattresses, when prison officers go to search those cells they are more likely to get a needlestick injury and it is more likely that that needle may cause a hepatitis C infection or an HIV infection. They are far more at risk.

By introducing new jail penalties and making it ostensibly harder to have drug paraphernalia, you are incentivising less needles, which means more dirty needles. This does not need an amendment to this bill; this just needs the government to make that decision and act upon it. We were world leaders on needle and syringe programs. We were world leaders on preventing bloodborne viruses in this country, and we can continue to do that. I take this moment to call on the government to reconsider and introduce a trial of a needle and syringe exchange program in prisons. As Mr O'Donohue said, we can never expect our prisons to be free of drugs — drugs will get in — so what we need to do is ensure that prison officers are safe and that the great money we are spending on the treatment of bloodborne viruses like hepatitis C is money well spent,

rather than being wasted by leaving the opportunity for people to be reinfected in jails.

I want to touch on Mr O'Donohue's amendments — again, a bit of good, a bit of bad. I see no problem with protective services officers being able to help out in protecting the parole board. I think that is common sense. It is sensible, and there will be certain instances where that is actually necessary. However, charging prisoners room and board on top of the contribution that they are making to victims of crime funds I think is unnecessary and will have the wrong effect. I imagine myself next to another prisoner in a prison: she is working, and I am not. Now, I get free room and board because I do not work; she has to pay for room and board because she is working. I do not think that that is particularly fair, and I do not think that it helps in encouraging people to start working. If we want our prisoners to learn more about paying their way and getting used to bills, I certainly think we can do that. We do not need to do it through this process.

I encourage the work programs to prepare prisoners for leaving prison and to ensure that they do have work when they leave prison, because we know that employment is one of the best deterrents to recidivism. I think Mr O'Donohue may have been well meaning, and pay-to-stay is certainly popular in some of the southern states of the United States, but I do not think in Victoria it is appropriate. I think it is very appropriate that we ask those prisoners to contribute to victims of crime funds, and I think that also helps with preventing recidivism where it enables those prisoners to reflect in terms of their actions and the harm that they caused through those actions. So, well-meaning Mr O'Donohue: certainly one out of two ain't bad! I commend the bill.

Mr RAMSAY (Western Victoria) (15:38) — I am happy to speak to the Corrections Legislation Further Amendment Bill 2017, and as Mr O'Donohue has indicated, the opposition is not opposing this bill.

I did want to make a contribution on the basis that to me this corrections portfolio is in chaos. If it were not for Mr O'Donohue leading the policy reforms in relation to legislation on behalf of the government, corrections would still be in chaos. As Mr Morris has indicated, Mr O'Donohue's efforts with the car ramming private members bill and a whole range of other motions and amendments he has put through, helping the government along to try and stem the chaos within the corrections portfolio, aided and abetted by the respective ministers who have had that portfolio over the three-year term of the Andrews government, are certainly advantageous to those who unfortunately are in those correction facilities and also give some merit to the advancement in reforms that are desperately needed in the corrections space. I did want to make note of those efforts. I am not sure that Mr O'Donohue would like to be seen helping the government in its reform agenda, but certainly through his efforts he is vastly improving the policy around the corrections area.

It is not unusual to have the Greens waffle on for some time talking about the concerns they have around the increases in fines in relation to certain sections of this bill. It is not unusual to see Ms Patten from the Sex Party/the Reason party want to become embroiled in the Northcote by-election and rush out to Richmond and convince the Premier to trial a safe injecting room to appease some of the Green vote. No doubt the Sex Party/Reason party see a path for themselves in this by-election between the factions of the Greens and the factions of the Labor Party in relation to that seat. She made her contribution around the needle exchange programs, which actually I did not see as a significant part of this bill. In fact I did not see it as part of the bill at all; however, it did talk about concerns about drug use within the prison system. But Ms Patten, as she always tends to do, managed to weave her magic into a bill that really has no place.

Mr Leane, in typical style, confused us all because he started talking about frozen chickens. Even the most optimistic judge of the legislation would struggle to find any sort of reference to frozen chickens, pizzas or the like in relation to contraband. In fact, as has been said, the purpose of this bill is to introduce eight broad amendments mainly to the Corrections Act 1986, with several to the Major Crime (Investigative Powers) Act 2004, and there will also be minor consequential amendments to the Bail Act 1977 and the Victoria Police Act 2013. I am looking at one of the amendments, which is to introduce a new offence to strengthen the operation of the corrections system by addressing the possession or use of prohibited contraband in prisons, and I have to say I did go through the bill and I did not see any reference to frozen chickens there. So what planet Mr Leane was on when making his contribution I am not sure, but thankfully, as is the case with most of Mr Leane's contributions, it was short. It did take some time to understand what the hell it was all about.

The second amendment — creating a new security officer role to provide security at the Adult Parole Board of Victoria — we have had some discussion about this afternoon. Mr O'Donohue has indicated he will propose an amendment to use protective services officers in respect of that security, and no doubt through

the committee stage he will go into more detail about that. The third is to improve the operation of the parole system, including putting beyond doubt the application of laws introduced last year in cases of police murderers. That is a tidying up of the current legislation. Fourth is to create an explicit power to remove electronic monitoring devices or equipment. The fifth amendment is to clarify that provisions relating to the discharge of firearms in prison emergencies apply to police officers who are authorised to exercise the powers of prison officers. That makes sense.

The sixth amendment is to allow regulations to permit a trial of the paid prison employment scheme with a mandatory contribution to victims of crime and their families. I think there is general agreement in relation to that; however, Mr O'Donohue does see an opportunity to broaden out some fiscal responsibility of those prisoners in relation to board and keep.

The seventh amendment is to make provision for community correction officers to carry out or supervise offender alcohol and drug tests. Ms Patten in a very reasoned part of her contribution was correct. Certainly in my role as chair of the Law Reform, Drugs and Crime Prevention Committee in the previous Parliament I was very aware of, particularly at that stage when we conducted an inquiry into drug use, methamphetamine being used widely within the prison system and in fact being brought into the prison system and being used widely within the system itself.

I think it is important that we do make every effort we can to supervise and implement drug testing both, as Ms Patten said, for those that are coming into the penal system and also for those exiting so that we get a better feel for those that are currently using and those that may well not have been using when they entered the penal system but were when they exited.

The eighth amendment is to clarify the custody arrangements of prisoners appearing before the chief examiner. We know, as has been indicated, that Victorian prisons have experienced a serious level of contraband intrusion. Particularly under the Andrews government it has increased significantly. Mr Morris, my parliamentary colleague, made reference to drone intrusion into prison areas, and we have seen additional provisions in relation to restricting drone intrusion into our systems to address the problem of contraband.

We are seeing an increase in fines because some of these contraband offences are only subject to very small fines, so we do need to increase the penalties associated with those offences. Category 1 of those contraband offences is punishable by a maximum of two years imprisonment. Not surprisingly, the Greens have raised concerns about that, as they always do in relation to the applying of penalties or offences to those who violate the law. Category 2 contraband includes unauthorised prescription drugs, drug paraphernalia, electronic storage equipment and recording equipment that is not communication capable. These category 2 offences will be punishable by a maximum of 12 months imprisonment.

As has been indicated in other contributions, there have been a number of security incidents at the adult parole board premises in Carlton involving parolees where parole has been cancelled or while parolees have been under interview. Historically the APB has relied on Victoria Police for backup for any security incidents, but obviously security needs to be beefed up, and this bill is looking at a new category of security officer being introduced and providing those officers with powers under the Corrections Act 1986. They will not be armed with firearms but will have the power to use reasonable force with handcuffs, capsicum spray and batons. They will also have the power to arrest and detain a prisoner on parole without a warrant if there is a reasonable belief the prisoner on parole has committed an indictable offence or upon cancellation of parole. They then would hold those prisoners in custody until Victoria Police attend and take them into custody. The bill envisages that these new security officers will be drawn from a rostered pool of corrections officers located at the metropolitan assessment prison. I will leave it to Mr O'Donohue to address that issue in more detail.

I could go into other areas, but I think most of the other areas of the bill have been well covered and I do not intend to waste the chamber's time in going over what has already been said, except to make mention of the trial paid employment scheme. I thought this was a good scheme, where, as well as a trial of prisoners making payments to their victims or support programs, they should also be required to make a contribution to their accommodation and meal costs, as they would be doing in moving from a transitional process as a prisoner into the community. As we know, the community also have to pay their way through accommodation and meals, and I think this is a good lesson in the reality of life that prisoners through their transitioning should also be required to do the same.

I note that Victoria Police and Police Association Victoria are supportive of the bill, and I conclude by saying that the opposition will not be opposing this bill. However, amendments have been flagged by Mr O'Donohue.

Ms TIERNEY (Minister for Corrections) (15:50) — This bill makes a range of changes to improve the operation of the corrections system and to enhance community safety. Most of the changes are clearly reasonable, and I note that this bill receives broad support across the chamber. It addresses the inadequacy of contraband penalties and closes loopholes that currently exist in the prison setting.

Contraband is a constant battle, and Corrections Victoria and the government will continue to strengthen our regime to prevent contraband from entering our prisons and impacting on the safe and secure operations within. This bill will boost security at Adult Parole Board of Victoria hearings, ensuring that parolees and prisoners are under the watchful eye of corrections officers, ensuring the safety of those present.

I know that the coalition are planning to put some amendments to this section of the bill, with the aim of involving protective services officers. As I said in other conversations leading into today, this is not supported by the police or the parole board. It would cause role confusion in the event of a situation, and it is not necessary as corrections officers are trained and equipped to deal with those situations. Clearly the government does not support those amendments, and while it might be correct to suggest that the parole board has relied on police previously for security, as Mr O'Donohue has said today, it does not mean that this is the best way to manage security issues. We agree with Victoria Police (VicPol) that our specially trained prison officers are best placed to provide this function.

There is a section of the bill that puts beyond doubt the parole laws the government introduced last year regarding prisoners who have been convicted of murdering a police officer. This is part of the government's ongoing task of ensuring Victoria has the toughest parole system, with community safety at its heart.

This bill will also see a paid prisoner employment scheme trialled for prisoners as they near the end of their custodial sentence. It will see a small number of appropriately screened prisoners nearing release allowed to work for a minimum wage in a real-life job. It is hoped that approximately 20 to 25 prisoners will participate. As I stated, it is a pilot but it is designed to do two things: firstly, to provide prisoners with the practical skills we take for granted going to a regular job, skills that are often lost during a stint in prison; and secondly, to provide a pool of funds accessible to victims of crime. Twenty per cent of the scheme's earnings would be available to any registered victim of crime, and again the opposition has flagged amendments to this area of the bill, proposing to deduct moneys from the prisoner's earnings to cover the cost of incarceration.

Mr O'Donohue mentioned today that he would be seeking 20 per cent of the earnings to be provided back to the state. Given that 20 per cent of the earnings is already quarantined for saving, ours makes available 20 per cent for victims and the coalition's proposal seeks another 20 per cent to be paid back to the government. It is clear that the opposition will remove or quarantine 60 per cent of earnings, which in all likelihood would be a minimum wage role. The government believes that this is a significant disincentive for engaging in the program and will therefore result in less money for victims.

Mr O'Donohue also raised concerns brought up by Police Association Victoria regarding the power of security officers to hold the prisoner and to hand them over to police. This is to help police so that there are no security issues when they attend. If parole is cancelled, police will attend to execute a warrant from the adult parole board, so police return the parolee back to prison. In the meantime prison officers will have the power to detain the parolee until police attend. We do not support the amendments, because they have the ability to lessen the amount provided for victims. The opposition's amendments would provide a disincentive, as I said, for prisoners to work and in doing so would mean less money would be available to victims. Apart from creating a disincentive for prisoners to engage in the program, we also know from the Northern Territory that this reduces the amount of money on offer to victims.

Now, in relation to a number of other comments that have been made in the second-reading debate, Ms Pennicuik from the Greens asked what is meant by 'drug of dependence', stating that it is not defined elsewhere in the statute book. In response I would say to her it is indeed defined elsewhere in the statute book. It is defined in section 3 of the Corrections Act 1986, and it is also defined in the Drugs, Poisons and Controlled Substances Act 1981.

Ms Pennicuik also raised why drugs of dependence are in the more severe category 1. The government's response is that given the issues with drugs in the community, and particularly in our prison system, and the harm that they pose to both prisoners and our prison staff, the government believes that it is a more serious type of contraband and it is therefore put in category 1. Having drugs included in category 1 items is a recognition of the organised criminal element that is often connected with the drug trade. Ensuring that this

activity is linked to more significant sanctions, we believe, is appropriate. It also sends a signal to those who wish to attempt to smuggle drugs into prison that the intended target might get something else rather than their illicit package; they could well get a longer prison sentence.

Ms Pennicuik also asked what the rationale was for prison officers being a preferred option by the APB and VicPol. In response I would say that this was because prison officers are appropriately trained, having been taken from the prison officer pool at the Melbourne Assessment Prison. They are also best able to assist VicPol in executing the warrant to return a prisoner to prison, without taking extra police off the beat for each hearing.

The bill also covers a wide range of sensible updates and changes, such as clarifying the legal framework for firearms use inside a prison during an emergency, improving the use of drug and alcohol testing on parolees or offenders on community orders and providing explicit powers regarding electronic monitoring, as well as a number more.

The bill has wide support as a result of wide consultation that has been undertaken by the department in the drafting, and I believe this is reflected and is shown in the support that is generally here in this chamber. It puts community safety first, and it does so through rational, well-reasoned changes to a raft of systems and processes currently in place.

There have been a number of comments by Ms Pennicuik, and Ms Patten also, in relation to drug and alcohol programs in prisons. What we have before us at the moment is a piece of legislation, and of course when we are dealing with drugs and alcohol in legislation it would not be appropriate if we were not running the appropriate courses in drug and alcohol treatment in our prisons. I am happy to provide further information to Ms Pennicuik on this issue. I know that she has had significant interest in this area for some time. She raised a number of questions during the Public Accounts and Estimates Committee hearing on this matter. I do have some information on me that I can convey today, but given that we are actually dealing with the legislation my preference and my focus today is to deal with the clauses in the bill before us. As I said, I am more than happy to take those questions or those notions that were expressed by Ms Pennicuik in her second-reading speech on notice, and I think in all fairness I would be able to provide that by the end of the week.

Having said that, I also wish to deal with the issues Ms Patten raised about provisions in the bill regarding the prohibition of drug paraphernalia. I do not think it comes as any surprise at this point in time that Corrections Victoria have a policy not to allow needles into prison environments. That is to ensure the safety of our prison staff while preventing the spread of drug use and communicable diseases that accompany that drug use. I know there are different views on that, but that is the stated policy. I can say that the new contraband offences also ensure that those people who wish to traffic drugs and drug paraphernalia into our prisons, and indeed prisoners who would be the target of those people in the drug trade, will need to think twice about this trade. As I said before, those prisoners might get further the jail time as a result.

This is, as other people have stated, a bill that covers off on a number of different aspects of the corrections system, whether it be paid employment — this new pilot that is being proposed — whether it is about the coverage of security at the APB or whether it is about contraband or indeed further intense screening for certain drugs. This I think is a well-balanced offering in terms of changes that are required for the system not just to work more effectively but to provide us with an opportunity to introduce a new scheme that really is about providing a pilot that will enable people to transition back into the community more readily. That will then receive evaluation, and if indeed that is deemed successful, there may be an opportunity to expand that pilot so that we can see other prisoners towards the end of their sentence being able to start utilising skills and participating in work that will enable them to have a more successful entry back into the communities in which they live. I commend the bill to the house, and I look forward to the committee stage.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 7 agreed to.

Clause 8

Ms PENNICUIK (Southern Metropolitan) (16:04) — I just want to follow up some of the questions I mentioned in the second-reading debate. The Minister for Corrections spoke about them briefly in her summing up, and I thank her for that. With the issue of a drug of dependence in clause 8, which inserts new section 31A, for example, if you look at

paragraph (4)(c), the bill says, 'a firearm within the meaning of the Firearms Act', yet for a drug of dependence, in paragraph (4)(d) it just says, 'a drug of dependence'. Everything else refers to a different act. That is the question I am asking. I understand that a drug of dependence is defined elsewhere in the statute, but the bill does not refer to that, so could the minister clarify that?

Ms TIERNEY (Minister for Corrections) (16:06) — That is because we are actually dealing with the Corrections Act 1986; it is in clause 3.

Ms PENNICUIK — I looked in clause 3, but I could not see it.

Ms TIERNEY — I am happy to facilitate.

Ms PENNICUIK — It is section 3 of the act — thank you, Minister — not clause 3 of the bill.

My major question with regard to new section 31A, inserted by clause 8 — and I raised it in the second-reading debate — is about the issue of including a drug of dependence in category 1, which is the category that includes the higher penalty of two years. Also, why is the government including the drug offences with the other offences that deal with possession and use of firearms, prohibited weapons, controlled weapons or explosive substances, which seem to be different categories from a drug of dependence.

Also, the other question with regard to paragraph (1), Minister, is that normally the penalty for possession of a drug of dependence is not the same as the penalty for supply of a drug of dependence, and yet they are all included in the same category with the same penalty here. I am wondering what is behind that and why that is not separated out more.

Ms TIERNEY — I am advised that essentially it is because we are in a prison environment — it is not like the general community — where it is often very unclear as to who was involved in the drug trade or trafficking and indeed who are actual users. Of course the other area is that this is about having a very highly controlled environment. We are trying to ensure that there are greater and tighter controls over the environment that the prison facility is operating within.

Ms PENNICUIK — Thank you, Minister. I hear your answer, but I still feel that even in a prison environment it could be possible to discern who is the supplier and who is just a possessor or user, particularly by the amount found, for example, either in a police cell or in the possession of a prisoner. I just wonder why those categories were not more separated out in terms of seriousness, because it seems to me that there is a lot of conflation of very serious contraband and actions with less serious contraband and actions. That is the point I make. I will not labour it, Minister. It goes to the same point with the category 2 items as well.

I just want to comment on and ask briefly for a response with regard to the legislation and why you did not really want to go to the issue of drug and alcohol programs, and I thank you for your offer to send me some more information about that. But the point I am making is: if you are going to introduce by way of legislation quite an increased range of penalties for prisoners, particularly with regard to possession of a drug or drug paraphernalia, then it is incumbent on the government to make sure that those prisoners, of which there are a large number who do have alcohol and drug problems, are not just punished for the possession of a drug of dependence but are assisted to overcome their dependence. The question I did raise with you, as you mentioned, was whether the data is actually being kept on how long prisoners have to wait to get into these programs.

Ms TIERNEY — In terms of the first point — and we will not labour it any further — we just will agree to disagree in terms of the contraband categories within category 1. That is the advice that we received from Corrections Victoria and those that operate within the prison system, and indeed from those that are at the coalface of drugs and what happens in relation to contraband in our facilities, noting that this is an issue that has been around since the time of incarcerating prisoners.

In terms of the health issues that we have in respect of prisoners, there are a number of things that we actually do, so I will put certain things on the record now, Ms Pennicuik, but in terms of the specific information you asked about — data tracking — that will need to be taken on notice.

In terms of prisoner health, as most people would be aware, we have got a prison population that does have high levels of mental illness, substance abuse, chronic disease and communicable diseases — they are much higher than in the general community. Prisoners receive a physical and mental health screening within 24 hours of entering the prison system and following transfer between prison locations. I need to also indicate, which I indicated, I believe, to the Public Accounts and Estimates Committee, that the last budget included $57 million for expansion and upgrades in health and mental health facilities at Port Phillip, Melbourne Assessment Prison and Barwon.

But it is what we are doing in terms of the rehabilitation of prisoners that is the question Ms Pennicuik is putting. There are four main areas in which corrections has organised four programs. One is in the area of general offending behaviour, the second is in relation to violence and sex offending, the third is alcohol and drug-related offending and, since February last year, a specialist family violence response for family violence perpetrators is also available. The delivery of services is monitored on a regular and ongoing basis, so that will be the area from which we might be able to draw some information to provide to you, Ms Pennicuik. We expanded the program for the delivery of prison alcohol and other drug services, and that was in the budget papers at close to $8 million. We also of course expanded the post-release support services, including individual transition and case management, and that was $27 million over four years.

In terms of alcohol and other drug programs, all prisoners, as I said, receive an alcohol and drugs prison-related harm reduction session upon entering — so it is not just an assessment; there is actually a session. Corrections Victoria provide short-duration programs as well as longer duration, high-intensity alcohol and other drug treatment programs which aim to break the link between use and offending. Prisoners at risk of using opiates can also access treatment.

So there are a number of things that are in place, including the fact that all prison care providers develop a discharge summary for the exiting prisoner to take with them. The prison provides referrals to community-based public health services, and discharge plans can be drawn up for the prisoner to help them access health care in the community. Of course through the Corrections Victoria transition and reintegration program prisoners have access to information sessions to support them in managing their health, mental health and alcohol and other drug use following release.

I could go on, but I think that gives Ms Pennicuik an indication of some of the things that are happening in terms of programs. What we have before us here today is a codification and clarification of what is in and what is out, and indeed it is codified so that everyone understands what is in category 1 and in category 2 and what the penalties are, as opposed to the situation that currently exists.

Clause agreed to.

Clause 9

Mr O'DONOHUE (Eastern Victoria) (16:17) — I move:

1. Clause 9, page 14, line 8, omit '55L(1)(f).".' and insert "55L(1)(f).".

2. Clause 9, page 14, after line 8 insert—

'**55P Protective services officer may exercise powers of security officer under this Division**

A protective services officer on duty at a designated place that is a place referred to in section 55K may exercise all the powers and has all the responsibilities given to or imposed on a security officer under this Division.".'.

I note the comments that Ms Pennicuik and Ms Patten made in the second-reading debate, and I thank them for those. In relation to the comments from Mr Leane and the Minister for Corrections, I reassure them that this amendment would make no compulsion on the Adult Parole Board of Victoria (APB) to have protective services officers (PSOs) provide assistance at the adult parole board; it would merely provide that choice. I am sure they are able to manage that without causing confusion, as the minister and Mr Leane said, and for that reason I think this is a sensible amendment to give the adult parole board extra capacity in dealing with particularly very high risk or dangerous offenders. If they do not wish to do so, of course they do not have to, but this power will be there if required.

Ms PENNICUIK — While I understand the ideas put forward by Mr O'Donohue with regard to the amendments, I take on board what the government has said and will not be supporting them.

Ms TIERNEY — Firstly, corrections officers have the power and the ability to manage situations that may occur at the APB, just as they do in our prisons across the state. More in particular, I think, they have a clear chain of command. They are especially trained and equipped to deal with these particular situations on the rare occasions that they do occur. The proposition put by the opposition would not replace custody officers with PSOs but would add PSOs in the room, and then it will be a matter of what roles each would play and how they would interact and respond. There are two chains of command for each officer type, and it is not up to the APB in those circumstances to work that out. It is the kind of confusion being proposed by the opposition that does not lead to safer communities.

We took into account a number of views when drafting this bill, and it was seen that prison officers were the most appropriate in so many ways to be dealing with

potential situations at the APB because they are very familiar with the processes and indeed the types of reactions that occur when things do not go the way that certain prisoners would like.

Committee divided on amendments:

Ayes, 21

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

Noes, 19

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

Amendments agreed to.

Amended clause agreed to; clauses 10 to 22 agreed to.

Clause 23

Mr O'DONOHUE — I move:

3. Clause 23, line 20, after "prison" insert ", if the agreement includes terms requiring the prisoner to contribute an amount to be determined by the Secretary towards the costs of the prisoner's imprisonment during the period of the agreement".

This would simply give the secretary a power to recoup from prisoners who are in external paid employment a proportion of that to help cover the cost of their incarceration. In the second-reading debate I used the hypothetical figure of 20 per cent, but the bill actually does not prescribe that; it leaves it with the secretary. In her summation of the second-reading debate, the minister went to some lengths to discredit that percentage, the 20 per cent, and I make the point that the bill does not actually specify a figure. The 20 per cent figure is a figure I have put out there for consideration. The amendment I am proposing would give the secretary the power to set that figure, not this place.

As I have understood the opposition to this amendment from Ms Pennicuik, Ms Patten and indeed the minister, they think that by requiring prisoners to contribute some of the earnings or market wages that they receive for working towards cost recovery or to cover some of the costs of their incarceration the incentive will be removed for them to work in that employment. I completely reject that. I am sure that many prisoners — one would hope — would welcome the opportunity to have gainful employment in the community, with the prospect that that employment may continue on their release or that that employment would increase their employability upon their release. Even if a significant percentage of their wages is recovered by way of forced saving, through compensation to victims or victims programs or, under my proposal, through covering part of the costs of their incarceration, they will still be retaining much, much more than the wages they would get if they were engaged in prison employment, which as I said in my second-reading contribution is around $8, $9 or $10 a day. So on any level I think that argument of a disincentive simply does not stack up. We have a serious problem if the minister is saying prisoners will only work in external employment if they can recoup the vast majority of their money, because I would have thought that prisoners would have wanted the experience of working in external employment and the prospect of increasing their employability post-release, so I have moved that amendment in my name.

Ms PENNICUIK — The Greens will not be supporting the amendment put forward by Mr O'Donohue with regard to redacting — I am not sure if that is the correct word — an amount of money from prisoners who are undertaking work outside the prison. This would not be a precedent that I would like to see set. This is a group of prisoners who are nearing the end of their sentences and trying to reintegrate themselves into the community, and we know, in addition to what I said in the second-reading debate, that many prisoners go into prison with not only mental health or alcohol and drug issues but also issues of unemployment and a lack of education. They also leave prison with very few resources in many cases or an ability to set themselves up with regard to housing and other expenses. So I think to start taking part of the wages from this group of prisoners to make them recompense for their incarceration is not appropriate. I also think that if the state wishes to imprison people as opposed to, for example, giving them a community correction order or a suspended sentence, which we used to have the option of doing in Victoria, then it is up to the state to pay for that incarceration.

Ms TIERNEY — I have made a number of comments in my summing up in relation to this, but let us not get ahead of ourselves. The fact of the matter is that we are dealing with a pilot of between 20 and 25 men associated with the Judy Lazarus Transition Centre. To also now expect these people to pay costs for their imprisonment I seriously believe misconceives the purpose of the paid employment scheme. I think we should be concentrating on the fact that there will be a significant contribution of 20 per cent made to the victims support fund, and I think that is a very positive step that is being taken.

What we are really also talking about is people being able to more readily transition out of the correctional system back into the community. It is an arrangement being entered into that involves low-risk prisoners in the final year of their sentence. I believe that it will reduce the risk of reoffending when they are released. Of course this is a scheme that will start as a 12-month pilot. The prisoners are subjected to employment screening, curfews and supervision by corrections staff. They will be going back to the centre after they complete their work. They are minimum security prisoners with good behaviour in prison and no outstanding criminal or disciplinary matters. I believe they should be afforded every opportunity to make that transition; indeed I think it is a very good initiative that we start having a contribution made to the victims fund so that there is some acknowledgement that they are part of the rehabilitation of those prisoners and so that the prisoners acknowledge that people have been affected and impacted as a result of them perpetrating crimes in this state. So we will not be supporting this amendment.

Committee divided on amendment:

Ayes, 20

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

Noes, 20

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

Amendment negatived.

Clause agreed to; clauses 24 to 30 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

CAULFIELD RACECOURSE RESERVE BILL 2017

Second reading

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

Mr DAVIS (Southern Metropolitan) (16:44) — I am pleased to rise to make a contribution to the Caulfield Racecourse Reserve Bill 2017 and to indicate that the coalition supports the bill. As Mr O'Donohue and Ms Pennicuik — I am not sure about anyone else in the chamber — will remember, there is a long history to this that goes back to 2007 and 2008 and the public land development committee, the Glen Eira City Council input to the committee at that time and the committee's recommendations.

Following that, on coming to government our party commissioned a review. In 2014 the review reported, and the Victorian Auditor-General's Office (VAGO) also reported in 2014. A final set of steps were taken by the government in 2015 to respond to some of the VAGO recommendations. The Minister for Environment, Climate Change and Water at the time, Lisa Neville, established a bipartisan working group in March 2016 to find an agreed way forward, taking on board the inputs that existed from earlier periods and also community views.

I hasten to add that the Caulfield Racecourse is one of our premier racecourses. I am a very strong supporter personally of racing and indeed a racegoer, although not a better. I might say that my colleague Mr Southwick, the member for Caulfield in the Assembly, has an illustrious history with racing, his family having owned some group 1 winners, including a Caulfield Cup winner —

Mr Ondarchie interjected.

Mr DAVIS — In 1972. I am sorry I do not know the detail, but I know he has in his illustrious family history a Caulfield Cup trophy. I think if I were him, I would be very proud to be both the member for Caulfield and somebody with esteemed links — through his father and uncle — to the racing that has occurred for many years at Caulfield Racecourse. I should take this opportunity to also say I want to put on record my great respect for his father, who was —

Mr Finn — A great man.

Mr DAVIS — a great man, as Mr Finn said, and a huge contributor, not just to the Liberal Party. About Stuart Southwick, whose funeral I went to recently, I might say a great contribution of his that stuck out to me was his contribution to the community — to a whole series of causes.

Mr Jennings interjected.

Mr DAVIS — I am quite serious here. He was a very remarkable individual with his contribution to the community and charity causes, running a charity shop in the western suburbs for many, many decades.

Mr Finn — In Werribee.

Mr DAVIS — In Werribee, indeed. My point here is to say the Southwick family has an illustrious history with respect to racing and the Caulfield Racecourse in particular, and it was highly appropriate that David Southwick, as the member for Caulfield, be one of those that was charged with looking at the way forward here.

I step back to the public land development committee. I have no doubt Ms Pennicuik will say something about this too when she makes her contribution. I think all of the committee members were struck at the time by the disrespect, I think — that is the only word I can use honestly — that was shown by the racing club towards the community and the objectives that —

Ms Pennicuik — Hostility?

Mr DAVIS — Well, I am looking for words here that are both fair and accurate. But it was not an illustrious moment, I think, when our committee took evidence at the Caulfield Racecourse. It was very clear to us, I think, in a bipartisan way. If anyone wishes to examine the testimony, Evan Thornley was then a member for Southern Metropolitan Region, and he had very distinct —

Mr Finn — Very briefly.

Mr DAVIS — Yes, but in his short period in this place he was on that committee, and he did strike a very strong view about the attitude of the racing club to the community. I think there was a legitimate point that he made at the time. I think he leaned over in the hearing and he said, 'I'll give you the tip' — and I am paraphrasing here; I do not have the exact transcript in front of me — 'There are people from all political parties here'. Ms Pennicuik will back me up that this is roughly what he said. He said, 'I'll give you the tip. Everyone here has been shocked by what you've said and by the disdain with which you are treating the community'. The committee established — and this had not been publicly established in the same way before — that there was in fact an old trust deed, that the old trust deed played a very significant role in governing the objectives of the racecourse and that there was a joint set of objectives. Racing was clearly one of them, and racing, indeed, at Caulfield predated the trust deed; it went back to 1859, if my recollection is correct. It is also true to say that the trust deed — and this was in Queen Victoria's time — made it clear that recreation and public uses were equally important.

But that has not been the history of the racecourse. It has gone from strength to strength as a racecourse, and I welcome that. I have been an attender at many Caulfield Cups and other racing outings there, and I want to put on record here the great significance of racing to Victoria and its significance to our economy, both in terms of tourism and just the employment of people in the racing sector. This is an incredibly important industry for Victoria, and I pay tribute to those in that industry and to the focus that they bring in terms of our tourism and the high-profile events that are so much of the racing calendar in Victoria. We are about to enter all of that period now, with the Flemington races coming very soon, and I think people will look to those with great excitement.

As I have said, what was very clear to us was that there needed to be a better way forward to guarantee public access and to make sure that the land was best used and with the best intent as had been laid out by the grant of Crown land that had been made in the 1800s. It was also clear to us that Glen Eira has the lowest amount of public open space per head of population in metropolitan Melbourne. It is surrounded by other areas of low amounts of open space, including the City of Stonnington, which borders it. That is a developing issue for Victoria and for Melbourne in particular, with the huge population growth that we face and the density of population. The need for public open space, the need for parkland and the need for recreation facilities — passive, sporting and active facilities — in my view and strongly in the party's view actually increases with the

intensity of development and population; it does not decrease. It means we need more public open space, not less, and it means we have to use those public open space assets that we have more effectively.

That is what this bill is in part about. Whether the bill achieves everything that it sets out to achieve is another question. I will have bits to say about that in the committee stage, and I put the minister on notice that I have a number of questions to ask him about the government's progress towards the agreed outcomes that were achieved by the bipartisan committee. One of the things that is important — and I have been briefed by the Melbourne Racing Club (MRC) on this, and I strongly support their objectives of redevelopment at Caulfield — and part of that is the relocation of training to another site. That is going to require, frankly, government assistance; it is going to require government leadership, and I have to put on record that I do not think the leadership has been sufficient at this point and I do not think that they have as yet crystallised the way forward sufficiently. I will say more about that in the committee.

I put on record for the minister now that I will seek some assistance with where the government is up to there; I will seek to ask some questions that probe exactly what the government is intending in that respect. The way forward here is dependent on the government actually working with the racing club but working with the community too. They actually have to find a way to ensure that racing is cemented at Caulfield so that those great events, those great public outings, the great economic significance of Caulfield, are actually underlined and strengthened by this process. At the same time it does mean finding a home for training, and it does likely mean the redevelopment of part of the land that surrounds the racecourse. Certainly they have briefed me as shadow planning minister about their plans and objectives, and I understand where they want to head and I understand that there are some useful ways forward there that need to be worked through and supported in a constructive way by government.

Now, I am not the minister at the moment, so that is why we will be asking questions of the minister about what he intends to do and what the environment minister and the planning minister intend to do to provide the support and the leadership to enable these things to happen.

I think it is not true to say that the arrangements have not improved. They have improved, and there is more access to the centre of the racecourse and some of the lands around there by the community. But I think there is still a significant way to go, and we need to make sure that those assets are used in a way that is consistent with the racing objectives and adds to the public options in using that open space. I think there can be more ovals and more active recreation facilities in terms of sporting clubs that are part of this whole process.

Mr Finn interjected.

Mr DAVIS — Indeed, Mr Finn, there can be very constructive outcomes there and there can be more passive recreation, whether it is kids on swings or dog walkers or any other form of passive recreation through some of those areas. This is sorely needed. If you look at the density and growth in that node around Caulfield railway station, there have already been very significant developments there. I note, and my colleague made the point in the lower house, that the MRC has been on a pretty good wicket with respect to the payments there — about $100 000 a year, which is not a lot of money in terms of the rent that they —

Mr Finn interjected.

Mr DAVIS — You would not have thought that; you would have thought that was a damn good wicket. That is in effect what I am saying, Mr Finn. I think his view is that it is a peppercorn rent for what is a 54-hectare site in the middle of Melbourne, which they have primary control of in effect. That continuation of the peppercorn rent means that we do not necessarily get the most effective use of public and Crown land.

I pay tribute here. I am not always a fan of the City of Glen Eira. They do not always get it right. People in this chamber can vouch for my preparedness to point at failings of the City of Glen Eira, but I will put on record that over a longer period a number of councillors from the City of Glen Eira have played an important role. Helen Whiteside, for example, was very active through a lot of that period. Frank Penhalluriack, as a local identity, was prepared to go in to bat for the local community very strongly. Others have been prepared to go in to bat for the local community very strongly in this context as well.

I think it is important that we put on record that that strong community leadership right across the political spectrum is an important part of what has led us to where we are now. There is history right back to 2006, with Cr David Feldman and a focus during that period for the public land development committee playing a role, the chairmanship of the committee and the role of the member for Oakleigh, but also Ken Ryan, who played a very significant role in that process. But I think

it is important that particularly Don Dunstan and Sandy Anderson have been huge leaders in this role —

Mr Ramsay interjected.

Mr DAVIS — No, a different Don Dunstan, a local Don Dunstan in the City of Glen Eira, who has been prepared to lead on this very, very strongly. I pay tribute to the working group, and many of them have been listed by David Southwick, my colleague in the other chamber.

This is a 54-hectare parcel of land, and the Glen Eira council has just 45 sporting grounds to service more than 60 registered clubs, so the shortage of public land in Glen Eira is acute and this 54-hectare parcel of land is an important one. David Southwick has pointed to cricket and football in particular, but it is also true of a range of other important sports. They should all be aware that the Parliament, in a bipartisan and tripartisan way, is actually looking for solutions for them. I want to pay tribute to those who have contributed to this process.

I want to say that we have come a long way, but there is still further to go. I should say that I am far from convinced that the department and the minister have the strength and, how can I say, the fortitude to hold the racing club to account on all of this. For that reason I will move amendments to seek greater reporting on the use of public land for those recreation purposes. My amendments, which will be circulated in due course, will look at the use of the Caulfield Racecourse Reserve for the purpose of recreation and for public park purposes and will require annual reporting by the department in its annual report.

I am told that in a flurry the department is now producing its own amendment and argues that the reporting requirements should be in the trust annual report. Now, I am not opposed to that report, but I think it has got to also be in the departmental report because we actually want the minister and the secretary of the department to be deeply focused on the outcomes for the Glen Eira community. Hence requiring reporting on that annually in the Department of Environment, Land, Water and Planning (DELWP) report will be at no cost to government, but at the same time it will be a sharper way forward. I know the government is, as I say, in a flurry now preparing its own amendment, which we will likely support because we think that further reporting at a level of the trust that is created, the entity, is welcome, but I do think it has got to get to the departmental level and ministerial level before there is the ongoing monitoring that will take place that will ensure the outcome that is required.

We still have some considerable concerns. The process of the government crystallising the outcome here has taken too long, and that is one reason we are seeking that enhanced reporting. It requires government leadership to actually get the outcome with the MRC, and it requires government leadership to find and provide a solution, including likely financial support for the relocation of training. It requires government leadership to actually crystallise the projects that the MRC want to proceed with in and around the sites, some of it on their land adjoining the site — and I say that those plans have considerable merit and need to be looked at but need to be seen as a positive set of steps going forward.

Obviously detail needs to be worked out, but the idea of having further development in and around the racecourse is appropriate. That should in no way diminish the outcome of greater access for public open space. In fact the outcome where training moves and the racecourse is opened up whilst guaranteeing the future of racing in a very real way into the future is the way to actually get the long-term solution. So I think the government has been too slow. I think in recent times the leadership has been inadequate, and that is one of the reasons we will ask the questions that we will ask in committee and it is one of the key reasons why we will seek greater reporting in an ongoing way to see that the land is used in a way that will enhance the community.

I want to put on record one point that I have talked about for some time. Those who drive around the racecourse will know that there is a dirty, ugly tin fence around much of the eastern and southern side. That fence dates back to the Second World War. You have to ask yourself the question: as a good corporate citizen, why has the racing club not been prepared to upgrade that fence to a modern fence, a fence that actually looks adequate, and to increase the vegetation around the edge of the racecourse to provide the protection but also the visual amenity that is part of what I think can be achieved with that racecourse? It is a huge part of the City of Glen Eira. It is right in the heart of Caulfield. It is actually linked to the railway station and to the tram network and so forth. At the same time, you do want to make it as visually appealing and as accessible as possible.

To focus directly on the bill, clause 5 establishes the Caulfield Racecourse Reserve Trust as a body corporate. Clause 6 specifies the functions and powers and replicates the multiple uses that are there in the original trust deed. Under this model the minister will appoint a minimum of five but not more than seven members to the trust, including a chairperson.

A member may be appointed for a maximum of three years and may be reappointed, and there will be remuneration. The minister may remove a member of the trust and a member of the trust may resign. Clause 12 provides that any defect or irregularity in the appointment of a member of the trust will not invalidate a decision of the trust. Clause 14 provides that the membership of the trust is not an office or place of profit under the Crown and will not prevent a member from sitting, voting or being elected to or continuing as a member of the Legislative Assembly or Legislative Council.

The trust must hold four meetings a year, and it must appoint a CEO. The minister has the power to direct the trust, and that, I think, is appropriate given the very great significance of this racing site and its important function as a public space as well. Clause 26 requires the trust to prepare a draft strategic management statement and a plan for the reserve that sets out its long-term management and development. This has to be reviewed each decade. It allows for the minister to delineate which parts of the reserve are to be used for one or more purposes, and it provides that the trust can make event declarations which are intended to provide for the delivery and management of events. It permits the trust to be responsible for the management of the reserve and provides that the trust may determine and collect fees and charge an entry fee. Various differential fees are provided for.

It confers the power to the trust to grant leases and licences and so forth for a maximum of 65 years. I know that some in this chamber will not agree with that, but I think there is a strong argument for better continuity and support for deeper investment capacity. This was certainly our view in government — that on public land you could constructively sign leases that were to the benefit of the community long term. There obviously need to be appropriate checks and appropriate balances in that. With ministerial approval, the trust can lease the land with certain conditions.

Clause 44 revokes the Crown grant of the Caulfield Racecourse Reserve land, dissolves the racecourse reserve trust, divests the power previously held by the minister per section 45, and on the commencement of the bill vests the power in the newly formed trust. Some in the chamber, as I say, will not like the length of the term. I think the length of the term is actually an important aspect of guaranteeing investment security and providing the capacity for the outcome to be achieved, which is in the interests of all. This is why we implore the government to get on with striking the deals and setting the arrangements in place that will allow training to be moved to another site and that actually provide that support. We will be asking questions of the minister in committee around the length of the lease and the arrangements and also why it has taken the government so long to get to a solution for this.

As I said, Glen Eira council has been constructive through this process, and we are supportive of it. I pay particular tribute to VAGO for the work that they did and the public land committee and some of the work that was done at an earlier time, and in particular the bipartisan reviews of the governance of the racecourse that were very important in framing the way forward.

So questions and a desire to see the process move forward are at the heart of what we are seeking. We are seeking a sensible outcome. We are seeking to cooperate and work with government on this.

Opposition amendments circulated by Mr DAVIS (Southern Metropolitan) pursuant to standing orders.

Mr DAVIS — I have covered the essence of this. It essentially is a reporting requirement for DELWP, and it can be quite parallel to the government's flurried proposed amendment on a reporting requirement for the new entity. Great; by all means impose that requirement on them. I agree with that. That does not remove the need for the ministerial and departmental focus that is going to drive the outcome.

I did want to say briefly something further about the bipartisan working group and its observations. It is worth putting these on record. They are in section 5 on page 13:

> The following are observations made by the working group that do not specifically relate to its terms of reference but are worthy of comment:
>
> > MRC should have a lease of sufficient length to give it certainty and surety for its planning. Currently it does not have a lease in place for the grandstand area and this needs to be rectified.
> >
> > Training facilities currently exist that have never been licensed or under lease. Leases issued under the provisions of section 22 of the CLRA currently exist for the western stables and the Neerim Road stables and expire on 31 March 2019 and 22 April 2029 respectively.
> >
> > Where training activities are conducted on unleased or unlicensed Crown land, investigation should be undertaken to ensure adequate insurance coverage is in place.
> >
> > Areas that are occupied but not under existing (or previous) lease or licence arrangements should be leased or licensed to avoid doubt and to enhance transparency. However, leases or licences should not be issued that would interfere with the cessation of training at the

> reserve and the return of the land to community use within a relatively short time frame.

That is a very clear observation of the working group. They continued:

> MRC has indicated that it wants to remove training from Caulfield within five years of signing a new long-term lease. In the event that training is removed there needs to be a requirement on MRC to reinstate these untenured areas for use as public open space.
>
> The minister could consider making a condition of any new lease or licensing arrangement that the training be removed from the reserve within five years of signing of the new lease or licence.
>
> As part of any lease negotiation, consideration should be given as to whether MRC should make a capital commitment to the development of community sporting and recreation facilities inside the reserve, once training has been removed.
>
> MRC has developed quite a comprehensive master plan and CRRT has also commenced such a task. The minister should consider making the development of such a plan, which takes into account interests of all stakeholders, an urgent priority for the new land manager.

Again I pay tribute to the MRC for its foresight in developing that plan. As I said, I have seen and been briefed on that plan. As some of it is on public land and some of it is on the land that they own, they would need support on the public land. They would also need planning support both on the public land and on the land that they own as an entity to develop in a constructive way going forward, and I support those steps. I support all of those. There is obviously detail and refinement to be achieved in that process, but I think those recommendations of the bipartisan working group are an important base for us to look at in the sense of a way forward that is going to get the very best outcome, as I say, to preserve and strengthen racing at Caulfield but to do that in a way that is consistent with the better use of that public land which is so urgently needed in the City of Glen Eira and the City of Stonnington.

Mr MULINO (Eastern Victoria) (17:15) — I rise to make some brief observations in relation to this bill. Like the preceding speaker I would like to start by noting for the record the importance of Caulfield Racecourse. It is a very important racecourse in terms of our racing industry. It hosts the Caulfield Cup, the Caulfield Guineas, the Blue Diamond Stakes and a number of other important races.

I must say, like Mr Davis, I am not a regular racegoer, but in a previous life when I was a lecturer at Monash University we held exams in the stands at Caulfield. So it is a multifunction facility, and I suppose in this era of shared services and using facilities to their maximum Caulfield Racecourse is a frontrunner there. Caulfield Racecourse has been a place of both pleasure but also, I suppose, for many of the students going through the business and economics faculties a source of some pain, depending on their results during particular exams.

It is also a very significant piece of public land with a storied history. It has been used for some of these major racing events for 130 years or more, and we need to respect that history and we need to respect the importance of this land in the life of Melbourne. In addition to that it is worth mentioning the economic contribution that Caulfield Racecourse and all the events that go on there make. The racing industry is a contributor of something in the order of $2 billion-plus to the state economy, and as I mentioned earlier Caulfield Racecourse is one of the pre-eminent sites for this industry in this state.

With all of that in mind it is critical that this significant public asset is used in the most effective, optimal way. It is a significant public asset which throughout its history has been predominantly used for three purposes: a racecourse, public recreation ground and public park. The governance arrangements for the reserve are provided for in the restricted Crown grant issued in 1949, which replaced two earlier grants. Under that Crown grant 15 trustees are appointed by the Governor in Council to manage the reserve — six each representing government and the Melbourne Racing Club and three representing Glen Eira City Council.

The key elements of the Crown grant include that the land must be used for the three designated reservation purposes that I mentioned earlier, that the Melbourne Racing Club is permitted to hold race meetings on the reserve and that on race days the reserve is placed under the control of the Melbourne Racing Club. These arrangements have by and large operated well over a very long period of time. Having said that, over recent years a number of community groups and other stakeholders have raised concerns about a range of issues regarding the administration of the reserve by the trustees. These concerns were investigated by the Victorian Auditor-General, and I think a lot of the history of various aspects of reviewing the governance arrangements were spoken about at some length — and I do not mean that in an overly disparaging way — but in a thorough manner by the previous speaker. I will not repeat all of that, but it is fair to say that there were concerns and there has been a process of reviewing governance arrangements at the reserve, and that is appropriate.

It is important that we from time to time refresh governance arrangements at institutions as important, as sensitive and as complicated as this piece of land. It is a huge tract of land so close to the city. It is a unique asset for our community, and it is important that we do review and refresh governance arrangements.

The Auditor-General, in this review, concluded that the reserve trust had not been 'effective in its overall management of the reserve' and that 'the trust's decisions have disproportionately favoured racing interests with insufficient attention paid to fulfilling the community-related purposes'. So those findings were obviously treated by the government as being very serious. In addition, the Auditor-General found that the trust had 'not articulated its purpose, priorities and vision for the reserve'.

In addition to the Auditor-General's report, representations from the community and the City of Glen Eira concerning public access to the reserve continue to be raised with the government and local members of Parliament. This feedback has, by and large, mirrored the findings in the Auditor-General's report. The main concern in relation to this latter feedback is that there is a disproportionate emphasis on racing, which has led to inadequate space being made available for other community uses. The Auditor-General's report contained a number of recommendations. I will not run through all of them, but broadly they related to modernising governance practices and improving public access arrangements at the reserve.

In March 2016 the former Minister for Environment, Climate Change and Water established an independent bipartisan working group to report on the recommendations in the Auditor-General's report. This bipartisan working group included the chair, Mr Ken Ryan, and local MPs from both parties — it included Assembly members Steve Dimopoulos and David Southwick. I think it is important that we acknowledge the work of the members of this working group for their contribution in establishing new mechanisms for managing this public asset.

The working group met with the trustees and conducted a series of meetings with interested parties and stakeholders to determine the extent to which the trustees and the department had implemented the Auditor-General's recommendations. It also examined governance structures at a range of similar or analogous institutions. For example, it looked at governance arrangements at the Melbourne and Olympic Parks Trust, the Melbourne Cricket Ground Trust and other trusts to see if there were any lessons that could be learned from those arrangements. The working group found that while there had been some progress the trustees had not taken sufficient action to take on board the Auditor-General's recommendations. After considering a range of options, the working group recommended that the most appropriate land manager for the reserve is an independent trust created under legislation. That is where this bill comes in. This bill acts on those recommendations.

I will not go through in exhaustive detail all the provisions of the bill. I should record, for the record, some agreement with that given from various parts of the chamber. At a very high level it is important to note the key provisions of this bill in responding to the recommendations of that working group and also the Auditor-General. The bill provides for the future use and management of the Caulfield Racecourse Reserve through the establishment of a new independent body, the Caulfield Racecourse Reserve Trust.

Part 2 of the bill establishes the Caulfield Racecourse Reserve Trust. The functions of the trust are, in broad terms, to be responsible for the planning, development, management, operation, care and use of the reserve. This is a very appropriate management structure being set up. Part 3 of the bill sets out the reporting obligations of the trust. The trust, if requested by the minister, must prepare corporate or business plans in a specified form. In the event that the trust becomes aware of matters that may prevent or significantly affect the achievement of the objectives, it must notify the minister — again, sensible governance changes reflecting the findings of the working party and reflecting the core recommendations of the Auditor-General's report.

Part 4 of the bill provides for the management of the Caulfield Racecourse Reserve. A key concern of the local community in relation to the consultation process has been a lack of clarity about how the reserve is to be used for the three different purposes, some of which can of course come into conflict. As I mentioned earlier, there was a feeling through a range of consultations that community use had not been given sufficient emphasis at various times over recent years. The bill provides that the minister can make an order containing a plan which defines those areas of the reserve that may be used for racing purposes and those that may be used for recreation and as a public park.

I think it is important to stress that the bill provides for event management declarations for the reserve. This element of the bill is to ensure that all aspects of major events at the reserve can be delivered in an integrated and efficient manner. I think it is also important to

stress, given the importance of racing, that the new governance arrangements will not affect the setting of Victorian thoroughbred racing, the racing calendar or the conduct of race meetings at the reserve. Racing Victoria will, after the new governance arrangements have been established, continue to be responsible for the setting of race dates following consultation with racing clubs.

Part 5 of the bill sets out the financial provisions for the trust. Part 6 of the bill enables the Governor in Council to make regulations relevant to the objectives of the bill. This is a very sensible move forward. These are very sensible new governance arrangements that are built upon an Auditor-General's report and the Auditor-General's findings. They are also based on the recommendations of the bipartisan working group.

As with all complicated matters of this nature, of course not everybody is going to be satisfied with absolutely every respect, and I am sure some of that will be borne out in the committee stage. But this is a significant step forward for a very important asset for our community and our state, and one that needed a governance refresh. I commend this bill to the house.

Ms PENNICUIK (Southern Metropolitan) (17:27) — It is with pleasure that I rise to speak on the Caulfield Racecourse Reserve Bill 2017. In saying that, I have to say that the first time I saw this bill the first thing that jumped out at me was the name of the bill, Caulfield Racecourse Reserve Bill, just perpetuating what that huge 54-hectare tract of Crown land in Glen Eira has been used for for more than 140 years pretty well exclusively, locking out the community. Mr Davis and Mr Mulino talked a bit about not enough attention having been paid to community access to the land and use of the land for recreation and as a public park. That is such an underestimation. What I would say is the Melbourne Racing Club and its predecessors, and the trustees in their earlier iteration, have run that huge amount of public land basically as a racing venue. They have completely locked out the community up until very recently, and even then they were dragged kicking and screaming into it. Let us put that on the record; that is actually what has been happening.

I was very, very disappointed to see the name of the bill and that the name of the reserve will continue to be Caulfield Racecourse Reserve. Interestingly the purposes clause of the bill is to establish a trust 'to manage the Caulfield Racecourse Reserve for racing, recreation and public park purposes'. The original Crown land deed back in the 1850s reserved the land for a racecourse, public recreation and a public park. It is interesting, and I will ask the minister when we are in committee about the meaning of changing the terminology from 'racecourse' to 'racing', which is happening under this bill.

My major point — and my disappointment in reading the bill — is that here is an opportunity where we are actually going to make a major change to something which I believe has been an ongoing scandal really: the occupation of this massive tract of Crown land by the racing clubs and racing interests for 140 years, making I should say gazillions of dollars out of racing and the other commercial activities that the Melbourne Racing Club conducts on that site, including a Tabaret and commercial fairs. The examinations for Monash University students were mentioned, and Monash University has to pay for that; in fact I have sat a couple of exams there myself. It is operated as a commercial entity under the control of the Melbourne Racing Club, and nobody really knows to this day where all that money has gone. It has not gone back into the community.

I think it is good that we have this bill, but it has been a long time coming. It was in 2007 when the Select Committee on Public Land Development first looked into the issue of what was going on at the Caulfield Racecourse Reserve with regard to the Caulfield Racecourse Reserve Trust and how it was operating. It has been about 10 years since the report was tabled in this place. I have to say — and people can look at the seat next to me — I have got probably half a filing cabinet full of files, reports, letters, minutes of the City of Glen Eira, submissions from members of the public and newspaper clippings about this issue going back to 2007. It has taken 10 years for this piece of legislation to get here, and that is because the Melbourne Racing Club has been resistant to letting the community have access and even to implementing actions that it actually had agreed to in memorandums of understanding with the council in particular. It has been a long time coming.

I think, given the purposes that the land has always been reserved for and the purposes that are outlined almost exactly in the purposes clause of the bill, that the name of the bill should reflect that. The name of the reserve should be changed from Caulfield Racecourse Reserve to Caulfield Racecourse Recreation and Public Park Reserve, because that is what it was always meant to be. I think that is very important because it signals to the community that things are not going to be the same as they were before and that there is going to be a new governance arrangement. There is not going to be a secretive trust that holds meetings in secret once a year, does not publish its minutes, does not have proper governance arrangements and does not in any way

make public the money that it has made or where that money goes to. A new era is coming into being with this bill, and I think the name of the bill should reflect that.

I am very familiar with this piece of land — it is only a couple of kilometres from where I live — and I have taken a lot of interest in going there over the years just to see whether public access has increased over time, and it has to a certain extent but it has not really to any intents and purposes increased that much. To that effect I have drawn up some amendments to change the name of the bill and the reserve. I will say, too, that the name was the first thing that struck me when I looked at the bill and it was the first thing that struck a lot of people in the community who have been working on this issue for a long time as well.

Before I get too far into my contribution and run out of time I would like to thank those people. For a start, it is the past and present councillors of the City of Glen Eira, so the council as a whole and many of the councillors. Mr Davis mentioned Helen Whiteside, who was a mayor of the time; Cr Frank Penhalluriack; Cr Jim Magee, also a mayor; and Cr Neil Pilling, also a mayor of Glen Eira. These councillors led their council in its advocacy over many years to try to get access to this piece of land for the community and for the purposes that it was always set aside for. I should say anybody who has been involved in this issue would understand that it was set aside in its original deed for equal uses, so equal use as a racecourse, equal use as a public park and equal use for public recreation. It has never been that. It has always just been exclusively for racing, and I will go to that a bit more in my contribution.

I would like to thank the Glen Eira Residents Association, who have been tirelessly campaigning on this issue for many, many years, even before 2007 when the Select Committee on Public Land Development reported on the issue. I also thank the Glen Eira Environment Group, the Malvern East Group and so many members of the community, as I mentioned before, who have been active within these groups and just active themselves, writing to me and to others trying to get some action on this issue.

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

Ms PENNICUIK — As I was saying, the purposes of the bill are to manage the Caulfield Racecourse Reserve for racing, recreation and public park purposes. It is a perfect opportunity to signal that to the community. Many members of the community have made the same comments to me and have been working on this for a long time.

As I was saying, if you are familiar with the site and you go there to the Caulfield Racecourse recreation and public park reserve, you will see that the only thing you ever see a mention of is racing. There are lots of signs up about racing. There is meant to be signage telling the public what days racing is on, because the public is not meant to be there unless they are attending the races on a race day, so they cannot go there and walk their dog or fly their model aeroplane. It has been in the past a very popular venue for the flying of model aeroplanes, and the reason is that it is 54 hectares with a racecourse around the outside and a grandstand on the northern end and the other commercial buildings that I have mentioned. There is also a very, very large area of open space in the middle, and up until just recently hardly anyone went there because they did not know they were allowed to go there. They did not realise that it was in fact a public park and public land — Crown land owned by them — and that they should have had open access to it. That is why it was a good place to fly model aeroplanes — because there was hardly anyone there. That is exactly how the Melbourne Racing Club wanted it.

Recently a member of the public actually sent me a photograph of the signage that is meant to tell the members of the public what days the races are on, and there was nothing on there — it was blank — so members of the public could not see what the next race day was and what days they were meant to be on. The areas of access are very few and far between and are also not very well signed either. The signs that you get advertising that it is a racecourse are monstrously big signs; the signs that you get saying, 'Here is an entry to the park and recreation that you can use as a member of the public', are tiny things that you have to go right up close to to be able to read. This has been the ongoing behaviour of the Melbourne Racing Club over many, many years — virtually the whole time it has been there.

I just want to refer to the minister's second-reading speech, and I will say too that the two previous speakers started out their contributions talking about racing — about how wonderful the racecourse is and how it has had so many famous races on it, about people who own horses and all of that; just talking up the racing. It holds 22 race events a year. Out of 365 days, 22 are devoted to racing — so the whole of that area is basically taken over by racing, which happens on only 22 days out of 365. There is a lot of

training, which I will go to in a moment. But the minister said:

> The Caulfield Racecourse Reserve is one of Australia's most famous racecourses. It has been the venue for the Caulfield Cup and other premier racing events for more than 130 years and racing will continue as the primary use —

as the 'primary use' —

> to make a critical contribution to Victoria's $2.1 billion thoroughbred racing industry and cultural life of the state.

Of course the $2.1 billion thoroughbred racing industry is based on gambling, which we should never forget, but for the minister to say in the first paragraph that it is going to be the primary use is very disappointing. He went on to say:

> The reserve is also a significant public asset, and is used for walking, picnics and other public recreation activities.

Well, I will say it is not used very much. A lot more needs to be happening.

When the Select Committee on Public Land Development looked into this issue we also saw evidence of what goes on at other racetracks around the world, not so much in Australia — although I note that Flemington Racecourse is talking about holding markets in the middle and doing a whole lot of stuff in the middle of the racecourse. Just recently I noticed some of those articles in the press. Many of the racecourses around the world have lots of activities going on in the middle of the racecourse — sporting activities such as soccer, such as lacrosse and any number of other activities. Some of them are at night. These go on all the time — sometimes, and very often, at the same time as races are going on. We heard evidence at the Select Committee on Public Land Development that we could not possibly have any other activities going on in the racecourse while there was a race happening because the horses would not be able to run around if they saw people in the middle kicking a football — that would completely put them off. That is just plainly not true, because it happens at racecourses all over the world.

One of the issues that has been raised by the community a lot and has been raised by me in this place with governments of various persuasions is that one of the recommendations of the Select Committee on Public Land Development was to remove the tin fencing, particularly along Queens Avenue, that blocks the public land from the view of people outside, and deliberately so. But that is what the Melbourne Racing Club wants to do. It wants people to not know they can go there and it wants to keep them out with these big fences. There is a very small gate in that very extensive fence along Queens Avenue, but of course it is locked. What we were told is, 'We couldn't possibly get rid of the tin fence because the horses would be completely distracted by what is going on on the road and would not be able to run around' — again, completely untrue. Racecourses all over the world are right next to quite busy roads —

An honourable member interjected.

Ms PENNICUIK — I have seen footage of them racing around the racetrack with the road only a couple of metres away —

Mr Ondarchie interjected.

Ms PENNICUIK — A few metres away. There has been hostility and resistance by Melbourne Racing Club to opening this Crown land that they have occupied — Crown land owned by the people of Victoria, set aside for their use and being used exclusively for racing and other commercial activities, the money being basically claimed by the Melbourne Racing Club or who knows? I have asked in Parliament for this to be looked into, and in fact the Select Committee on Public Land Development made that recommendation. One of its recommendations was that, 'the purpose to which money raised by horse racing has been used' should be investigated by the government — this is recommendation 5.8 — along with 'the history, membership structure … and current arrangement of the … board of trustees' and 'ways in which the government can ensure that the board of trustees operates in an open and transparent manner'. That was back in 2007, but I am not sure that that has ever been gotten to the bottom of.

After the select committee reported, nothing much happened — none of the recommendations were followed up. In 2009 we had a bill presented to this Parliament under the stewardship of the now Special Minister of State, Mr Jennings. It was one of those land revocation — land swap — bills that we see from time to time. In that was a proposal for the Melbourne Racing Club to acquire by way of a land swap a very valuable triangle of land which is now, years down the road, being built on, and a large development is being built next to it. That was back in the day when we were also looking at the issue of the St Kilda triangle, which is another ongoing issue. This was a triangle of land in between the racecourse and the railway line, and they wanted to swap that for this tiny little piece of land next to the roundabout at the corner of Glen Eira Road and Booran Road. One was worth millions of dollars and

one was worth perhaps $1 million. I kicked up such a fuss about it that that part of the bill was —

Mr Dalidakis — I find that hard to believe!

Ms PENNICUIK — Well, actually what happened was that the minister — after we went into committee for a very long time on it, Mr Dalidakis — agreed for the first time that there would be recompense for the difference in the value of the land, so while one was worth more than the other that difference had to be paid for by the Melbourne Racing Club. But the land that they actually wanted to swap — the small piece of land which was freehold land — was actually bought with money that they had made by carrying out their commercial activities on the Crown land, so in fact for all intents and purposes it really did belong to the people of Victoria anyway. In my view what has been going on there over decades has been scandalous. Governments have just allowed it to happen, to the detriment of the people of Victoria.

One of the recommendations of the Select Committee on Public Land Development was that the government look into the operation of the board of trustees. The board of trustees at the time, for people who have read the second-reading speech or have read the report of the bipartisan working group, did a reasonable job, but of course that came after the Auditor-General's report in 2014. I know that the Glen Eira City Council wrote to the Auditor-General asking that the Auditor-General look into the oversight and management of the Caulfield Racecourse Reserve, as it was at the time.

Also, by way of a survey that the Auditor-General puts out asking what people would like the Auditor-General to look into, at the same time I said, 'You need to look at Caulfield Racecourse because it is certainly less than ideal in the way it is run'.

Of course the Auditor-General, as people would know, came to the conclusion that:

> The trust has not been effective in its … management of the reserve.

The report states that the trust's decisions have:

> … disproportionately favoured racing interests with insufficient attention paid to … the community-related purposes …

It also says:

> The trust has not articulated its purpose, priorities and vision for the reserve.

The report refers to the:

> … lack of adequate management systems and processes and the absence of a formal governance framework reflecting contemporary better practice …

It says:

> The trust has not been able to address the conflicts of interest inherent in the make-up of its membership and competing responsibilities as set out in the Crown grant. Its composition — where trustees' personal and professional interests compete with their obligations as Crown land managers — makes decision-making intrinsically difficult. More recently, the current and former chairs of the trust have recognised the need to address this issue and introduce better standards …

The report concludes that:

> DEPI has not effectively overseen the … management of the reserve. It has not worked proactively with the trustees to assist them to resolve significant governance and management issues when these matters have been brought to its attention in recent years.

Other findings were that the legal framework is neither clear nor comprehensive, governance arrangements do not reflect contemporary best practice, conflict of interest is not well managed, maintenance and development of the reserve is not adequately controlled by the trust, there is no departmental oversight — I do not have time to go through the whole of the report. I got so frustrated with raising this by way of adjournment matters and by way of constituency questions: 'When are you going to do something about what is going on at Caulfield and the management of the reserve by the trustees?'.

I will go back to the trustees. They are appointed by the Governor in Council based on six nominees of the Melbourne Racing Club. There are 15 trustees, six of them nominated by the Melbourne Racing Club. There are also six nominees of the state government. Invariably they are people with racing interests. So we end up with 12 members of the trust with a racing background and then three members nominated by the City of Glen Eira. There was a period where there were no members of the council there because the other trust members did not tell them when the meetings were on et cetera, so what was going on was quite scandalous.

In this place I asked the former Minister for Planning about this. The Minister for Planning got involved with this even though this is actually within the remit of the Minister for Energy, Environment and Climate Change, as we call her now. The planning minister is the minister that appointed the trustees. I asked the former planning minister in this place if he would make sure that further appointments were not racing interests but

were community members. That did not happen — it started to happen but a bit later. So it is a long history of co-option by racing interests of Crown land set aside for other purposes but never used for them.

I have referred to the purposes of the bill. It provides for a new governing body for the reserve and reporting requirements of that new trust, which will consist of between five and seven members to be appointed by the minister. The trust will have to prepare business plans and a strategic land management plan. Part 4 of the bill provides for the management of the reserve, including the power for a minister to make an order defining areas of the reserve that may be used for the purposes for which the land is permanently reserved. It provides for the trust to make event management declarations and enables the Melbourne Racing Club to control parts of the reserve additional to the land it occupies on major race days. It will be interesting to see how that actually pans out. It also provides powers for the trust to lease, license and grant permits in respect of the reserve.

Part 5 of the bill provides for the financial provisions of the trust under the Financial Management Act 1994. Part 6 enables the Governor to make regulations for the planning, development, care and best use of the reserve. Part 7 revokes the restricted Crown grant held by the trustee of the reserve and provides that the trustees under the Crown grant go out of office. It also enables the Minister for Energy, Environment and Climate Change to issue a lease of 65 years to the Melbourne Racing Club. I have an amendment in the amendments I circulated earlier to reduce that term from 65 years to 21 years, which is the usual number of years for Crown land leases. I do not see any reason for issuing a lease for 65 years to the Melbourne Racing Club given their history in their occupation of this piece of land.

The minister, when I asked about that, mentioned that where large-scale projects of regional and state significance are the case a longer term lease may be required. But I would say to that that the Melbourne Racing Club has been there for a long time. It has basically developed the site largely for its own purposes — it has got a grandstand, it has got a racetrack and it has got training facilities and various other buildings that it uses for its commercial activities — and I am really not sure why it needs a 65-year lease. I am particularly disturbed by the fact that under part 7 of the bill it could be getting a 65-year lease before the act comes to fruition. Part 7 of the bill comes into effect immediately and the rest of the bill comes in afterwards, so in effect it is signing a lease with the Melbourne Racing Club before the bill comes into effect — a bill which enacts three purposes: racecourse, recreation and public park. This is another issue, like the name of the bill, that jumped out to members of the community, who raised it with me, and I agree with them. There is no need for a 65-year lease. A 21-year lease is fine.

Even though the bill looks to the Kardinia Park Stadium Trust and the Melbourne Cricket Ground Trust I would say, yes, in terms of those types of arrangements for those types of existing Crown land, to the extent that this bill is modelled on those, that is fine, but we are looking at a tract of land with a history that has not fulfilled what it was put aside for. To then, before enacting this bill, which is meant to change everything, put in place a new governance structure that extends a 65-year lease to the existing tenant, and as Mr Davis mentioned before — and this was also raised in the Select Committee of the Legislative Council on Public Land — peppercorn rent is being paid, given the amount of money that is made, I just do not see the point of it or the need for it. My amendment says that if there is a need to go into some sort of a lease arrangement, let us do that temporarily and then let us do it again after the bill comes into operation and you have the new trust in place. My amendment says 'temporarily' and 'not exceeding two years'. The latest this act could be implemented is August 2018, so that would give a bit more than a year — 14 months — after that for the trust to think about what type of lease it might want to grant to the Melbourne Racing Club.

I note the bipartisan working group, which includes Mr Ken Ry and Mr Steven Dimopoulos and Mr David Southwick from the Assembly, put that report together. It is a good report, but as I say it was basically initiated by a report of the Auditor-General as to what was going on there. They also mentioned the leases, but I think we need to wait until the bill comes into operation and then look at the leasing requirements. The report also made the observation that the Melbourne Racing Club has said that it wants to relocate training from the site. Well, the Melbourne Racing Club said that back in 2011 — that it was going to relocate training in five years. That has come and gone. It also said in 2011 that it would remove the fence from around the outside, but it has not.

Training there is a longstanding issue. There have been some incidents with horses getting onto the road et cetera, but it is not appropriate for horse training to be conducted there. Back in 2011 the memorandum of understanding between the council and the Melbourne Racing Club was that training would be removed and that part of the land which is on the south side, adjacent to Neerim Road, would be sort of blended in with Glen Huntly Park and used by the community as a park,

which is what it was meant to be used for under the original deed. But still we are waiting and we are waiting, and nothing happens. As Mr Davis said, the City of Glen Eira has the lowest percentage of public open space in metropolitan Melbourne — and the adjoining City of Stonnington as well. It is not far from Caulfield Racecourse to Stonnington. It is just over Dandenong Road.

I think this bill is a good step forward. It is a major step forward from what was going on before — the archaic governance arrangements and the locking out of the community from the public land that they are entitled to use. I am glad to see that that will change under this bill, but I am very disappointed that an opportunity has not been taken to flag to the community and to the Melbourne Racing Club itself that this land is for a racecourse, public recreation and a public park. That is what it should be called. My vision for the public, when they drive past it or go to the venue — whether it be for racing events or for other events, just to walk their dog, to meet their friends and have a barbecue, to run around the jog track or any of those things — is that they see 'Caulfield Racecourse, Recreation and Public Park', not just Caulfield Racecourse. I think the days of it just being Caulfield Racecourse Reserve should be well and truly over.

The other issue is about the length of leases. I think given the history, as I said, it is different from Melbourne Cricket Ground or Kardinia Park Stadium, which are very purpose built and are understood to be that but which do hold other sporting events. In terms of the use of this land and the way it is used for community benefit, there is still a very, very long way to go in comparison to other racecourses around the world and in how the community has been locked out of it for so long. Those are the amendments; I think they are very important. I think the inclusion of the 65-year lease is a mistake. It is not necessary, and as I say, I think it is a lost opportunity with the naming.

I do thank the government for bringing the bill forward. I have been pushing for it for a long, long time with both governments. I do thank them for doing it, and I think it will result in improvements — but we could only get improvements really. We need a lot more improvement. We need to look at the models overseas and the best use of that land for the public interest. I also flag to the minister that I will have questions on about 10 clauses of the bill in addition to the clauses that I have proposed amendments to. With those comments, the Greens will support the bill.

Mr ONDARCHIE (Northern Metropolitan) (18:07) — Tonight I rise to speak on the Caulfield Racecourse Reserve Bill 2017, appropriately named because it supports great racing at the Heath, the home of the great Caulfield Cup. The purpose of this bill is to establish a modern and transparent governance framework and to provide the new reserve trust with the necessary powers to manage the Caulfield Racecourse Reserve for the purposes of being reserved as a racecourse with public recreation.

The Caulfield Racecourse has over a quarter of a million people visiting it every single year, whether they attend one of the 200 non-race day events, whether they attend racing itself or whether they attend the famous Caulfield Cup, loved by many right across Australia. Being run in the middle of a Saturday afternoon, the cup attracts many, many people to it. I know many years ago when I was playing cricket, in the middle of the game I heard this voice that yelled out, 'Hey, Mick, the Cup's on', and the whole fielding side ran off the ground to listen to the Caulfield Cup while I and the other batsmen stayed out there while the Caulfield Cup was being run.

What we are looking at here is the opportunity to open up the racecourse and add some community value to it as well. The Caulfield Cup is one of the great iconic races in the Australian racing calendar, from 2007 when Master O'Reilly won the great race to great names like Doriemus, Might and Power, Paris Lane, Let's Elope, Jameka, Mongolian Khan, Admire Rakti and — I think my favourites — for 2001, Ethereal, and for 2002, Northerly. I also pay tribute of course to the 1972 winner, Sobar, owned by the Southwick family, which I think ran a record time of 2.27 to beat Gunsynd.

The Caulfield Cup at the Caulfield Racecourse has attracted great heroes over many years — Gurner's Lane, which won the Melbourne Cup-Caulfield Cup double, as did Let's Elope, Doriemus, Might and Power and Ethereal. Bart Cummings stamped his name on the Caulfield Cup, winning seven with Galilee; Big Filou; Leilana; Ming Dynasty, which won it twice, Let's Elope; and Viewed. And of course horses from outside Australia and New Zealand have also taken the great cup. I think of Taufan's Melody in 1998, All the Good in 2008, Dunaden in 2012 and of course Admire Rakti in 2014, which sadly passed away straight after the race. I think of great names in racing, great Caulfield Cup winners: of course this year with Boom Time outstaying Single Gaze and Johannes Vermeer, the favourite to win the race for David Hayes and his stable, and of course Fawkner in 2013, Descarado in 2010 and that great run by Tawqeet in 2006 to win the Caulfield Cup. We have seen fantastic wins by horses

like Paris Lane, Mannerism, Imposera, Gurner's Lane and Leilani, and of course I remind us about the great win by the Southwick family with Sobar in 1972.

It is really interesting that this bill comes before us today, because primarily this is about Caulfield Racecourse. I do acknowledge that the Melbourne Racing Club got some very late consultation just before the bill was second read by the government. What the bill fails to do in its essence is to recognise Caulfield Racecourse's principal purpose — that is, racing. When the Crown grant was originally set, I think they got the order wrong; it should have been racing, recreation and public open space. Racing should be recognised in this bill as the principal purpose. The bill is a little ambiguous, I have to say, and we will be dealing a bit more with that in the committee stage this year. Let us not forget that the racing industry contributes —

Mr Dalidakis — This year?

Mr ONDARCHIE — Sorry?

Mr Dalidakis — You said you are going to deal with it this year.

Mr ONDARCHIE — Yes, well this could go for a while, my friend. Do not forget that racing contributes over $2.3 billion in economic value to the Victorian economy. More than 50 per cent of that is generated in regional Victoria, but metropolitan Melbourne hands over $950 million. It employs over 49 000 people, the racing industry, and about 55 per cent of those are full time. In addition to this, nearly 50 000 people are involved as either hobby participants or volunteers. Racing is very important to the Victorian economy.

The Liberal-Nationals coalition will not be supporting the amendments put forward by Ms Pennicuik because her amendments fail to recognise that the principal purpose of this piece of legislation is to ensure that Caulfield Racecourse is a place of racing.

Ms Pennicuik interjected.

Mr ONDARCHIE — There is plenty of opportunity for the public to get some use of Caulfield Racecourse, and that is what we are talking about today. Ms Pennicuik's amendments essentially label the Greens as the fun police, because this is a place that employs people. Ms Pennicuik talked about the training facilities at Caulfield Racecourse, and she has some expectation that you can pick them up, put them in the back of a mini-van and take them away. Over 550 horses are trained there at Caulfield Racecourse. It is a huge employer, it is a huge opportunity for apprentices and it is of huge economic value to Caulfield and its surrounds — and she wants to turn the key off and take that away.

The coalition will not be supporting Ms Pennicuik's amendments, but we will not be opposing the bill. I commend the bill. I commend the great racing at Caulfield Racecourse.

Mr DALIDAKIS (Minister for Trade and Investment) (18:13) — It gives me great pleasure to rise and sum up in support of this well-overdue legislation. Indeed I shall agree with some of the comments that my colleague Ms Pennicuik has made about the long-overdue need for the legislation that is before us. Despite Ms Pennicuik going on for some 54 minutes recounting her tales of woe, after over 10 years of championing —

Ms Pennicuik interjected.

Mr DALIDAKIS — No, after over 10 years of championing this in this place, we are finally getting there. It would have been nice if Ms Pennicuik had spent 54 minutes supporting the bill rather than 54 minutes taking us through history. Nonetheless, we finally got there. In the last 6 minutes of Ms Pennicuik's contribution she indicated that she supports the bill. I appreciate the fine racing and history knowledge displayed by Mr Ondarchie in his contribution and that he was able to regale some of the great races and some of the wonderful horses that have ridden victory after victory in the Caulfield Cup — the famed Caulfield Cup, of course, that maintains its pride of position as part of our great Spring Racing Carnival at Caulfield, Flemington and Moonee Valley. It is great to be able to be in the midst of the Spring Racing Carnival as we talk right now about this piece of legislation before us.

The Caulfield Racecourse Reserve Bill 2017 before us does a number of things. Firstly, of course, it establishes a new independent management body with functions and powers to manage the reserve. It looks to provide modern governance arrangements for the new trust, understanding and acknowledging that the current governance arrangements are under restrictive Crown grants that were issued back in 1949. As Ms Pennicuik acknowledged, the trust was comprised of 15 trustees — six appointments representing the government, six appointments representing the Melbourne Racing Club and three representing Glen Eira City Council.

I am not sure that I would agree with Ms Pennicuik's representation of the people who have committed themselves to work in the best interest of the trust, but

we will put that aside for the moment and acknowledge that this bill does go a long way to fixing some of those governance arrangements. It also establishes a mechanism to define areas of the reserve that may be used for each of the purposes for which the land is permanently reserved — racing, recreation and of course public park purposes. I will not take up more time of the chamber other than to say that the government —

Ms Pennicuik interjected.

Mr DALIDAKIS — I am getting there, thank you, Ms Pennicuik — other than to say that the government will reject the amendments as put forward by the Greens for very similar reasons to those Mr Ondarchie stated in his contribution. Again, I will not take up the time of this place by going over those. I am sure that people who listened to Mr Ondarchie's contribution will remember the eloquence of the contribution that he made and the reasons that were behind that.

Similarly, there are opposition amendments that have been put forward by the Liberal Party. I can advise this place that we will also be opposing those amendments. Of course there are a number of amendments put forward — in fact 10 to be precise — by Mr Davis, but the reason we will be opposing those amendments is because we will be putting forward two government amendments, which at this point I ask the clerks to circulate.

Government amendments circulated by Mr DALIDAKIS (Minister for Trade and Investment) pursuant to standing orders.

Mr DALIDAKIS — May I indulge in giving a brief synopsis as to why we are opposing the opposition's amendments but obviously putting forward government ones. The reason is that we believe that the government's amendments state very clearly that the trust is required to provide an annual report to the Parliament. The amendment we have put forward says:

> "( ) The Trust must include in its annual report details regarding the use of the Caulfield Racecourse Reserve for the purposes of recreation and for public park purposes during the preceding financial year.".

We believe that that is in and of itself enough to provide confidence to the public that in fact the reporting obligations, the onus, on the racecourse will be dealt with through reporting via the trust annual report. We believe that to support the opposition amendment — which actually requires duplication; it requires additional red tape that would otherwise be superfluous to a report in two different compendiums, one through the department as well as one through the trust — would create an unfair requirement given that that reporting onus is already being put forward by the government amendment. Given that the opposition, the Liberal Party, always tries to present itself as the party to reduce red tape, reduce duplication and reduce inefficiency, we will look forward to their support for the government amendment to ensure that that duplication inefficiency is removed from the reporting requirement.

With that summary and with that government advice as to where our position is on the amendments put forward by the Greens and also the coalition, I commend this bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr DAVIS (Southern Metropolitan) (18:22) — With the committee's indulgence, we would seek to ask some general questions about the way forward at this point. Now, obviously this has had a long genesis to it, going back into the 1800s, with the current arrangements in place and, as we said in the second-reading stage, much of the activity beginning in the mid-2000s as the community, the council and other bodies began to look at the significance of what was occurring at the Caulfield Racecourse.

As land became a greater issue, the calls for greater access under the trust deed that had been earlier granted became louder. There was obviously a process that occurred here. There was a public land committee, there was the Auditor-General's report, there was a committee that reported in 2014, then further reports through that period and finally the bipartisan committee that was established, which saw Labor and Liberal MPs and, as I have outlined, my friend and colleague Mr Southwick from the Assembly was very active in this process, but so were others. The recommendations have been made, and I draw the minister's attention to that bipartisan working group report. I do not know whether he has that available, but if he was to turn to page 13 and the 'Observations' at section 5, I would be happy to read some of the points into the —

Mr Dalidakis — Read away, Mr Davis. You have got a beautiful voice — a voice for radio.

Mr DAVIS — We may be on vision here anyway. At one point in the 'Observations' section on page 13 of this bipartisan report it says:

> However, leases or licences should not be issued that would interfere with the cessation of training at the reserve and the return of the land to community use within a relatively short time frame.
>
> MRC has indicated that it wants to remove training from Caulfield within five years of signing a new long-term lease. In the event that training is removed there needs to be a requirement on MRC to reinstate these untenured areas for use as public open space.
>
> The minister could consider making a condition of any new lease or licensing arrangement that the training be removed from the reserve within five years of signing the new lease or licence.

My point in quoting that is that was the bipartisan committee's view, and we think that this has drifted for a significant period now. We welcome the bill. We think there is a lot to go forward with in the bill, and we are obviously going to talk about how it might be improved. But in the context of signing a lease, either before or after, it seems important to get on the record where the government intends to go and why this has taken so long. We still have concerns, and that is why I am seeking that these points be responded to. In a sense, because this has taken too long, that makes the issues of enhanced reporting more important. I will say something about the Greens amendments in a moment, but there does not seem to have been a long-term lease signed. Where is the process? The minister needs to enlighten, I think, the committee and the community in a structured way.

Mr DALIDAKIS (Minister for Trade and Investment) (18:26) — Thank you, Acting President Elasmar, and what a fine job you have done in the brief time in your role — —

Honourable members interjecting.

Mr DALIDAKIS — Today I think I have been quite generous in my commentary to all of the participants in this debate: from the good-faith, albeit long, 54 minutes of historical updating by Ms Pennicuik to the eloquent historical analysis of the past winners of about the last 14 years of Caulfield Cup races by Mr Ondarchie — it was quite impressive; I do not believe he even had to use notes to be able to reel those winners off — to the good-faith questioning of Mr Davis. Can I say to this point that indeed there has been a very strong bipartisan approach to this bill.

Indeed my colleague in the other place the member for Oakleigh, Mr Dimopoulos, worked very closely with Mr Southwick. I note that Mr Davis forgot Mr Dimopoulos's name, but we are very happy to mention Mr Dimopoulos as one of the bipartisan contributors to the legislation that is now before us. Of course both Mr Dimopoulos and Mr Southwick worked very cohesively in order to be able to get to a point where we have the legislation before us.

I believe the concern that Mr Davis was raising was in relation to the power of the minister to enter into a 65-year lease and also some of the reasoning behind that. If I may, to provide a degree of satisfaction to Mr Davis for the question that he posed, I want to make it very clear that it is important for the minister to have the ability to sign a long-term lease, firstly, because the trust and the club have demonstrated an inability to reach agreement without government intervention, and secondly, because the government of the day will be able to use the lease negotiations to deliver on other objectives, including, as Mr Davis ascribed, objectives such as the removal of training and the development of the racecourse reserve for community use.

Ms Pennicuik in her contribution earlier made a statement that this has somehow been promised before and has yet to be delivered. Again, as I have just indicated to the house, one of the reasons that this bill is before us is that the trust and the club had an inability to reach agreement about intervention to see these outcomes, which again are in the best interests of the community — and that is the combined community, by the way: the local community, the sporting community and the racing community. We need to make sure that we get it right on behalf of all the constituencies that look to use the facilities — the park facilities and the local community facilities. Mr Davis, I hope that gives you a fair degree of solace in relation to the issue that you raised.

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

The ACTING PRESIDENT (**Mr Elasmar**) — Mr Davis, we are still on clause 1.

Mr DAVIS — Acting President, I also join my colleague in complimenting you on the unpaid work that you are doing. As a volunteer I place on record my appreciation for the work that you are doing.

I thank the minister for his response. What I am still not understanding here is exactly where this process is. There has been no long-term lease signed.

Mr Dalidakis — In the Legislative Council.

Mr DAVIS — No, no. Would the minister actually indicate what the status of that is and when such a lease is expected to be signed?

Mr DALIDAKIS — I thank Mr Davis for his question. I think the clearest indication I can give to Mr Davis is that which I have previously ascribed in responding to his first question, and that is that we will look to obviously have that dealt with as quickly as possible by the newly formed body. But again it is important to note that it is not for us to negotiate this part of the process over the dispatch box and that we are working together between parties through the bipartisanship that has brought us here and through the report that was done by Mr Dimopoulos and Mr Southwick, and so we look forward to ensuring that the minister has the power to enter into a 65-year lease in order to work through the very issues that Mr Davis has raised. We see that there is a very clear nexus between those two outcomes, and that is of course why the government has moved forward with the 65-year lease which Ms Pennicuik in her contribution has said she will oppose but which all other sides of the opposition and government have said that they will support.

Mr DAVIS — I thank the minister for his response. So what I am getting here is that there is no specific time line and there is no date that the minister can give me as to when that would be signed or even an objective that the government may have set itself to actually find a conclusion for this.

I understand that Ms Pennicuik is wanting to ask exactly that — when this will be done. That might be an all-party question. And indeed as a member for Southern Metropolitan Region I am sure the minister himself understands the importance of this to both the racing community and the broader community, who actually want a resolution here and an outcome that is in everyone's interests — in the economic interests of the racecourse and in the community interests with access. In that circumstance perhaps the minister can give the chamber some time line or some point at which we would feel that this process will be completed.

Mr DALIDAKIS — I can say the process will be complete once we have voted and agreed to move this legislation forward. In relation to Mr Davis's question, again I appreciate the question is in good faith. I am just not in a position for the government to provide a degree of micromanaging the process going forward, but we would expect, just as the bipartisanship has seen us get to this point in a relatively quick period of time, that we would continue to work to get an outcome as quickly as possible without ascribing a specific date to it.

Mr DAVIS — I accept that the minister is standing in for the other relevant ministers in this matter of course and, as a Southern Metropolitan Region member, will understand this quite well. This has drifted for a long period, and the community is very much looking for an outcome here. Some in this chamber exercise in that vicinity and take their dogs for a walk and cannot on some days access it. Perhaps if this were resolved, they could access the racecourse. At the same time, additional security for the racing industry is important in and of itself. So there is a win here for everyone if this goes forward, but there is not a win where drift occurs and there is no time line that can be pointed to. Again I do not want to go about this for longer, but if the minister can give some indication, that would be helpful to the community and the committee.

Mr DALIDAKIS — I thank Mr Davis for his contribution. I think my answers thus far have probably taken me as far as I can go.

Ms PENNICUIK (Southern Metropolitan) (18:35) — Perhaps I can assist by referring to the commencement stage at clause 2 of the bill. The part where the minister can enter into a 65-year lease prior to the bill coming into operation is in part 7, and part 7 comes into operation on the day after the bill receives royal assent. That will probably be next week, so that is when it can happen. But I think the point Mr Davis is making is correct — where is it up to and what conditions are going to be in that lease? Because I am raising the issue of a lease being signed before the bill comes into operation and the new trustees are there, the new strategic plan is there and the new vision is there, which is all meant to happen under the bill, but a lease could be signed before that happens. So I think Mr Davis makes a correct point: the community should know what is going to be in that lease and how it is going to benefit them and/or the Melbourne Racing Club (MRC). I think it is incumbent on the government, given the lack of transparency that has gone on in relation to this site for 140 years, to be transparent about it.

Mr Davis was asking about training, and he makes a good point. The Melbourne Racing Club said in 2011 it was going to remove training. It said recently it was going to remove training in five years. Mr Ondarchie was insinuating that somehow it was my idea that they remove training. I agree that they should remove training, as does the council and as do previous councils. Everybody in the local community agrees it should move. Melbourne Racing Club itself has said it is going to be removed, but it has said that before and has not done it. So that is what Mr Davis is asking: is that going to be a condition of the lease?

Mr DALIDAKIS — I thank Ms Pennicuik for her wideranging contribution that deals with a number of different clauses beyond clause 1. I look forward to being able to deal with her other clauses beyond clause 1 as quickly and as expeditiously as we can.

I point out again that the government of the day will be able to use the lease negotiations to deliver on the other objectives such as the ones that Ms Pennicuik and Mr Davis have raised — that is, the removal of training and the development of the racecourse reserve for community use. I believe that we can again use the lease negotiations to get to that outcome. Can I ascribe a specific date? Well, no, because that will have to be undertaken as part of the lease negotiations. That will be undertaken as part of the process that the government has stipulated, which Ms Pennicuik has raised concerns about from her own perspective, but nonetheless we believe that that is the appropriate and proper course of action in moving forward from here.

Ms PENNICUIK — You mentioned when you were responding to Mr Davis that you were negotiating with parties.

Mr Dalidakis — The government.

Ms PENNICUIK — That the government is negotiating with parties — who is the government negotiating with in regard to this lease?

Mr DALIDAKIS — The government will be negotiating in the first instance with the MRC, which is no doubt not a surprise to Ms Pennicuik. We will be looking to develop it at that point but of course with our very utmost expectation to deliver an outcome for the community and seize a significant community benefit, which we are all in favour of. Ms Pennicuik spent 54 minutes giving a very lengthy and very accurate depiction of the historical process until now. Again I compliment Ms Pennicuik's patience in pursuing this policy objective over the last 11 years of her career in this place, and I look forward to, as we pass this legislation, delivering on that policy commitment — that policy pursuit of yours, Ms Pennicuik. I admire the tenacity and the patience which you have displayed to get us to this place.

Ms PENNICUIK — My follow-up question is about your negotiating with the MRC — nothing much has changed then. Will you be consulting with Glen Eira council, for example, and with the community as to what is in that lease? I would not want to pre-empt the committee, but if it so happens that the committee does not support my amendment, then there will be a long lease entered into before the bill comes into operation. The community will be very concerned if it does not see benefits in that. Will there be some consultation with the council?

Mr DALIDAKIS — I say to Ms Pennicuik's question, if I can provide a little bit more context, which may be helpful given the question that was raised, that indeed the lease negotiation will be with the Melbourne Racing Club because the facilities for which a lease will be entered into are very specific to racing — the grandstand and the racing track. There will not be a need at this point in time to talk to the Glen Eira council, for example, because the middle of the track will not be part of the lease. That will be excluded; it will only be kept to the actual racing infrastructure itself. Thus, at this point in time consultation will not be required in relation to the point that Ms Pennicuik is raising.

Ms PENNICUIK — Minister, there are a large number of other parts of the Crown land that actually are used by the Melbourne Racing Club, not just the grandstand and not just the racetrack. There is a lot of interest in the use of those, and the ongoing use and/or existence of them is of great interest to the community and the council. So I hear what you said, but it is not entirely the full picture.

I think in terms of those parts of the land that are used daily by the Melbourne Racing Club in its various commercial activities, you have not mentioned those in your answers, so it is not clear to me how they are covered by a lease.

Mr DALIDAKIS — Can I give some confidence to Ms Pennicuik. One of the reasons that in a previous answer I ascribed the lease to only the racing infrastructure was to allow the newly formed trust, at that point in time, to be able to look at the other parts of the land — the stalls and the administration buildings that cover a lot of that area — that Ms Pennicuik and I know so well, being locals. Mr Davis, whilst representing Southern Metropolitan Region, is slightly further away from Caulfield than I am in terms of living but not in terms of community use. I acknowledge Mr Davis is a regular user of the Caulfield Racecourse infrastructure —

Mr Davis — Proudly so!

Mr DALIDAKIS — Can I just put on the record that Mr Ondarchie in his contribution acknowledged that the racecourse provides support to so many other activities beyond just racing. Indeed, I can say, when I used to be a student at Monash University we used the facilities for exams, and didn't I enjoy that. I can also

say that I have had great joy in taking my five-year-old son to model train exhibitions that have been held at the racecourse on non-race days. There is a multitude of facilities; in summer they have waterslide activities for little children and big children alike. So it is a good question that Ms Pennicuik proposes.

Again, to reassure you, Ms Pennicuik, the lease will only be in relation to the racing infrastructure, which will allow the newly formed trust to deal with the strategic planning of the additional areas of land that you raise as a concern. It will, and should, give you comfort that at that point in time the newly formed trust will no doubt seek the views of other very important stakeholders, such as the Glen Eira council, on whose behalf you continue to raise this matter also, no doubt.

Ms PENNICUIK — Minister, that is actually quite new information that I do not think is known to the community or the council.

Mr Dalidakis — I am here to help. I am happy to help.

Mr ONDARCHIE (Northern Metropolitan) (18:48) — Minister, I should commence by acknowledging the chairman, Mike Symons, of the Melbourne Racing Club, and his wonderful committee, together with outgoing CEO Brodie Arnhold and Josh Blanksby, the incoming CEO, for the great work they have done presenting the heath for Caulfield Guineas Day and Caulfield Cup Day; they looked magnificent. In fact I did comment to Mike Symons on Caulfield Cup Day that the track probably has not looked as good as it does for 10 years, back in 2007 when Master O'Reilly won the great race.

Minister, in relation to clause 1 of the bill, does the government recognise when it comes to the Caulfield Racecourse Reserve Bill 2017 that the principal purpose of that reserve is for racing?

Mr DALIDAKIS — I take great delight in taking that question from Mr Ondarchie. I simply point him to the fact that the government has called the bill the Caulfield Racecourse Reserve Bill and indeed is opposing the Greens amendment that would seek to change the title of the bill.

Mr ONDARCHIE — Just following up, I am really asking not just about the title of the bill but if you recognise that its principal use is for racing.

Mr DALIDAKIS — For fear of jumping into uncharted territory here — or uncharted parkland — I think it is fair to assume that the reason that we are here is that the Caulfield Racecourse is a significant part of the land that we are talking about and consumes the majority of the activity. The bipartisan work that was undertaken by the colleague of Mr Ondarchie, in Mr Southwick, and the fine work of my colleague and yours, Acting President Elasmar, Mr Dimopoulos, both of whom are in the other place, was to look at the use of other parts of the racecourse for community involvement, but that does not detract from the fact that obviously, without a doubt, the major part of the racecourse and the stands are in relation to racing.

Mr ONDARCHIE — Thank you, Minister. Ms Pennicuik, in her second-reading contribution and also through the process of this committee stage, raised the issue of the training facilities and the training infrastructure that exist on the land, where over 550 horses, plus all the trainers, plus the apprentices, plus the support staff are all there; it is a significant investment in activity and jobs there. Is any of the consideration associated with this bill about relocating the training facilities off Caulfield?

Mr DALIDAKIS — I thank Mr Ondarchie for his question. This simple issue is that there is a long-held bipartisan view that was presented by the committee that over a period of time — I think Mr Davis used five years as a period in his earlier contribution — that within a five-year period it would look to have training facilities relocated. In terms of the specificity that Mr Ondarchie is looking for, it is not our position at this point to be able to provide that level of granular detail other than to say that that would be part of the new trust's strategic planning: to be able to work through those issues with the existing tenants that they would have, as any landlord would have with their own tenants as well.

Mr ONDARCHIE — Minister, in relation to that last question, training facilities are not something you can just pack into a suitcase and move quickly. Indeed if the training facilities are moved from Caulfield Racecourse, places like Cranbourne and Pakenham are nowhere near ready to accommodate that sort of thing. Would it be the expectation of the government that the trust could facilitate, with some support, the relocation of the training facility?

Mr DALIDAKIS — I thank Mr Ondarchie for his question. It is not the position of the government that we should dictate or ascribe to the trust what it should or should not do. We agree with Mr Ondarchie that it would have to be done in an orderly way and it would have to be done in a way that would obviously allow for facilities to be built and infrastructure to be provided for. I do not want to pre-empt the Parliament — we have not passed the legislation at this point — but

should the Parliament pass this legislation, then obviously we would expect, just as the bipartisan committee did, that the trust would give a great deal of thought and also policy context to the removal of training facilities over a period of time. In doing so, they would need to deal with a raft of policy positions that come about from that, of course the least of which is you need to have somewhere that you can relocate to.

In terms of the cost, again I just wish to reiterate and respond to Mr Ondarchie that it is not my position, as the minister at the table taking this bill through, that we should ascribe a dollar value to it or tell a newly formed trust what it should or should not do. There is an expectation that the trust should work with its tenants to work through the range of issues that will be brought about by the potential relocation of training facilities to another place.

Mr ONDARCHIE — Minister, thank you for that response. Given that response, should the trust decide that the training facility should be relocated elsewhere, would the government provide a support package to trainers and their employees, just as they have done in the motor vehicle industry and that supply chain, to the energy industry and to the timber industry employees?

Mr DALIDAKIS — The government's position is that that would be a matter for the trust. That would be one of the reasons that we would enter into a long-term, a 65-year, lease for the trust, as provided for by the legislation, that would allow the new trustees the opportunity to work through those issues and make decisions that are in the best interests of their stakeholders. Again, we need to be reminded of the very important fact that whilst this issue of relocation is clearly one that is ever present in a number of members' contributions, the racecourse will still remain a racecourse, the trainers will still be racing their horses at the racetrack — they will still be prominent stakeholders of the Melbourne Racing Club — and it would not be in the interests of the trustees to have a poor relationship with their stakeholders. It is our expectation that the trust would be working through those issues — again, should the Parliament pass this legislation.

Mr ONDARCHIE — Minister, that was not quite my question, the one that you responded to. I was more asking about the trainers and their employees should the trust make a decision to seek their relocation. I remind you that decisions made by other bodies, such as in the motor vehicle industry, such as by Engie at Hazelwood, such as Australian Sustainable Hardwoods, were not decisions of the government. They were decisions of a third party, yet the government went to great lengths to support those employees and those industries. Should a third party, such as a trust, make a decision to ensure that the training facilities and the 550 horses are moved off that site, would the government, just as they have with the motor vehicle industry and supply chain, just like they have with the energy industry and as they have in the timber industry, for example, look to support those trainers and employees?

Mr DALIDAKIS — Can I say that I certainly understand Mr Ondarchie's question and I have sympathy for the point that Mr Ondarchie is trying to elicit from me. The difference of course is that in relation to Engie or Hazelwood the government did not have a system in place such as what we are looking to establish here through this legislation. The trust will be established and will be provided to be able to give the MRC a 65-year lease, so that they can work through those issues directly with the parties and tenants as well. We think that is the best avenue to pursue, to be able to provide that flexibility to the trust in order to meet the objectives, such as Mr Ondarchie is looking to achieve — that is, some certainty for the existing tenants and to achieve the same objective, the same outcome, that the bipartisan report of Mr Dimopoulos and Mr Southwick in the other place did reach agreement on, which was to see the training facilities removed over a period of time. Again, I think Mr Davis ascribed a period of five years to that process. Ultimately what we are looking for is to set up the framework so that the new trust will be able to operate within that context and have that licence to look at those issues, such as the ones that Mr Ondarchie is raising.

Mr ONDARCHIE — Thank you, Minister. We both know where I am coming from on this one, and I do not wish to labour the point. Minister, is the government aware or does it have in place any planning proposals for the Caulfield centre and how that may inadvertently affect the training facilities to move before they are ready?

Mr DALIDAKIS — Sorry, can you repeat that?

Mr ONDARCHIE — Minister, my question was around the longer term proposals for the Caulfield centre. Does the government have anything in play associated with planning for that centre that would inadvertently cause the training facilities to move before they are ready to move?

Mr DALIDAKIS — To Mr Ondarchie's question, can I say again that the view is that by signing the long-term 65-year lease, it gives the Melbourne Racing

Club and the trustees the opportunity to work through that relocation of training facilities. Can I also make the point that it is not the view of the government that that would be expedited by government. That would be a process that would be left to the Melbourne Racing Club as potentially the new long-term lessee of the facility, and of course the trust, to work through. It is not the government's position that we provide that level of micromanagement in that sense. Certainly, again as I have indicated, these are long-term stakeholders of relation and of note to the MRC, and so we expect good relations to continue, because of course whilst the MRC becomes the long-term lessee of the facility, the trainers, the horses and the jockeys ultimately become and remain the major users of the facility as a racetrack. That is not to detract from the public's joy of watching the horses, as customers of the facility. Again, as the major stakeholder, our expectation would be that the negotiations of the newly formed trust and the MRC would deal with that issue as a matter of management.

Mr ONDARCHIE — Thank you very much, Minister, for your response. That delighted me almost as much as Sky Heights win in 1999 at the Caulfield Cup. Minister, as you would be aware, there is some nervousness around the industry at Caulfield, and I guess what they are looking for, by way of summary, is some assurance from the government that they will be looked after. They add significant economic value. It is about jobs, it is about investment, it is about trade and opportunities, and I am sure you are acutely aware of that. They support a number of small businesses around that precinct as well, not just in the farrier industry but in transport — a whole range of things. I just think they are looking for some comfort from the government, that the passing of this legislation will not put any of those jobs under threat.

Mr DALIDAKIS — I thank Mr Ondarchie for his further inquiry. Can I say that I am not sure that Mr Ondarchie meant to use the words about jobs being under threat by this, as distinct from compensation, which he talked about previously. The issue of jobs will be one for the business owners themselves to deal with. They know their businesses better than I do, and so they will be in a position to articulate what their own strategic vision is for their business: what they need, when they need it and what time of the year they need it. Do they need it for the autumn races? Do they need it for the spring races? Do they have a winner on a significant cup or race day and so all of a sudden they have more horses and more owners wanting to train more horses and so need to expand the facilities? Similarly, do they have a horse that does not perform so well? Owners take some horses away from the stable and give them to a different stable.

So issues in relation to jobs and employment will fluctuate, as will the success or failure of those businesses. We wish nothing but success for every business in every avenue and in every street in every community right across this great state of ours. Whether it is in the racing industry or in a different industry, we believe of course that there is nothing more wonderful than a small business succeeding.

Very specifically again, to come back to Mr Ondarchie's question, it is not the government's position that we will micromanage the businesses around the facility. The businesses of course will be tenants of the new trust we are looking to establish via this legislation, and we of course believe that, again, by providing a long-term 65-year lease we are providing the right avenue to the MRC to ensure that they have an adequate and a long period of time to then give enough notification so that there is the opportunity for the existing tenants to relocate in an appropriate and structured way that hopefully does not harm their business or their workforce.

Mr ONDARCHIE — Thank you, Minister, for that response. I appreciate it. I ask, then, by way of my final question that you — perhaps with the speed of Fawkner in 2013, when he won the Caulfield Cup — pass on the concerns of the owners, the trainers, the Melbourne Racing Club and all the ancillary services that service the training area and the Caulfield Cup to Minister Pakula and Minister D'Ambrosio so they are fully aware of what the challenges are there.

Mr DALIDAKIS — I thank Mr Ondarchie for that very generous request. I always look to have discussions with my ministerial colleagues at all times. There is never a better time to speak with Mr Pakula, the Minister for Racing, than at the Spring Racing Carnival. Can I put in *Hansard* that I do not believe his tips are the best tips you can get, but he means well. Can I say, though, that there is no greater supporter of the racing industry in our government than the racing minister himself. He has displayed at all times a depth and breadth of knowledge in relation to the industry that leaves me for dead, racing last and being lapped by Fawkner, as Mr Ondarchie so eloquently included in his question.

I will certainly relay those concerns from the industry to the Honourable Martin Pakula and the Honourable Lily D'Ambrosio, my colleagues in the other place. But I know, having had discussions with Mr Pakula previously, that there will be nobody who is already more aware of the concerns that you have raised than him — ensuring that those tenants of the facility do have the opportunity to move forward with a degree of

confidence both in the MRC's long-term strategic planning and also in the newly constructed trust as well.

Ms PENNICUIK — I will just say again for the record that it is actually the Melbourne Racing Club that has indicated it is going to get out of training at the reserve. My question is regarding clause 1(a):

> to establish a Trust to manage the Caulfield Racecourse Reserve for racing, recreation and public park purposes …

It has been asked of me by a number of constituents why that terminology is being used. I suspect it is probably semantics or grammar, but why has it been changed from racecourse to racing?

Mr DALIDAKIS — The reason for the change in terminology is to identify racing as the use, as distinct from 'racecourse'. It is very simply trying to simplify the terminology — nothing more, nothing less.

Ms PENNICUIK — That is what I thought it probably was, but it had been raised with me, so I thought —

Mr Dalidakis — You are always five steps ahead of me, Ms Pennicuik.

Ms PENNICUIK — Thank you.

The ACTING PRESIDENT (**Mr Melhem**) — I call on Ms Pennicuik to move amendments 1 to 4. These amendments have a number of consequential amendments and are a test for Ms Pennicuik's further amendments 5 to 20, 23 to 30 and 32 to 37.

Ms PENNICUIK — I move:

1. Clause 1, page 1, line 5, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".

2. Clause 1, page 1, line 9, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".

3. Clause 1, page 2, line 7, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".

4. Clause 1, page 2, line 12, omit "Racecourse" and insert "Racecourse, Recreation and Public Park".

The first one is an amendment to the purposes clause. In terms of the actual parts of the bill that are not the title of the bill, this is the first time that the term 'Caulfield Racecourse Reserve' is used in the bill. My amendment is to change the terminology to 'Racecourse, Recreation and Public Park' to reflect the purposes of the bill.

The purpose of the bill as stated in clause 1(a) is:

> to establish a Trust to manage the Caulfield Racecourse Reserve for racing, recreation and public park purposes …

But in fact clause 1(a) of the bill does not say that racing is the primary purpose; it mentions the three of them equally.

Mr Ondarchie — In the right order.

Ms PENNICUIK — Well, it does not ascribe any primacy to any of them, and nor has that ever been done in terms of the original Crown deed either. It has just been done in practice. The purpose of the original Crown deed was that public park recreation and racing be equal activities on the Crown land there, and the purposes of the bill do not say that they will be anything but that. Certainly that is what the community would like to see on the land that it actually owns and that has been, as I said, used almost exclusively for racing for the whole 140 years of its history.

I said also in the second-reading debate that this particular naming was noticed by many people in the community who have been very active on this issue as well, and I think symbolically changing the name would represent what will actually change with the new governance structure and the new vision and strategic plan for the site, which will be to include recreation and a public park to a much greater extent than hitherto has been the case, which is basically not much. Having said that, Mr Dalidakis mentioned the waterslide, and I know there have been some works done in the middle of the reserve in the past few years. But as I said, that has not necessarily been at the instigation of the MRC in the public interest; it has more been because of pressure that has been put on the MRC by the community, the council and others over that time. As I said, the Auditor-General pointed out that the reserve was not being used for its purposes as outlined in the deed. I commend my amendments to the house.

Mr DALIDAKIS — I thank Ms Pennicuik for the amendments she has brought forward. The government will oppose these amendments. I point out to Ms Pennicuik — I know she has read the bill thoroughly and she knows every clause inside and out — that the explanatory memorandum states under clause 1:

> The purposes of the bill are —
>
> (a) to establish the Caulfield Racecourse Reserve Trust … to manage the Caulfield Racecourse Reserve for racing, recreation and public park purposes …

So whilst I acknowledge that what Ms Pennicuik is trying to do is indeed symbolic, as she herself implied and suggested in her contribution, you can get no greater statement of intent than clause 1(a), and our clause 1(a) signifies what the purpose of this legislation is. We do not believe that we need to confuse people by changing the title of the legislation, being the Caulfield Racecourse Reserve Bill, because of course that is what this bill is about — it is about the Caulfield Racecourse Reserve. So in terms of being able to identify the purposes of the bill, we believe clause 1(a) adequately deals with the issue that Ms Pennicuik raised, and thus we will not support these amendments.

Mr DAVIS — The coalition will not support Ms Pennicuik's amendments. I accept that they have been brought in good faith, and I share many of her objectives on these matters. I do accept that clause 1(a) does seek to replicate the words that are in the original trust deed and in that sense to fairly replicate the intent of that deed. It is important, I think, to note that the government and the working party have done sincere work to come up with an outcome here. I will say more about this when we get to the various other amendments, but the need to hold some pressure on the government to adhere to all of the objectives, not just the racing objective — and I in no way downplay that; that is, to me, central — or to strengthen the commitment to those other objectives is partially what our amendments seek to do by strengthening actual reporting requirements. In that sense we have a common objective, but I accept the minister's assurance here and the department's assurance that this replicates the current objectives that are in the deed.

Ms PENNICUIK — Thank you, Minister, and Mr Davis, for your responses. I almost thought Mr Davis was speaking in support of my amendments by the words he was saying, which were that the purposes of the bill reflect the original deed — that is, racecourse, recreation and public park in equal shares. That was the original intention. That is actually what is written in the purposes of the bill. That is what the community wants to see. The community wants to see the recreation and public park elements elevated up much more than they are and much more of the reserve used for those purposes. The minister himself mentioned — and I will talk to him about this when we get to clause 48 further along — that the new lease will only be for the track and the grandstand, and that is nowhere near the majority of the actual site. So in fact the rest of the site could be used for other purposes — recreation and a public park — particularly if training is removed along with some of the ancillary buildings on the Booran Road side.

Mr Davis said we need to keep the pressure on the government to make sure all the purposes are achieved. I think the naming of the reserve and the bill after the purposes of the bill would actually put that pressure on, because it would raise that with the community every time they went past or into that venue if it was named correctly. I hear that the government is not going to support it and the opposition is not going to support it. It is a lost opportunity, really, to reflect in the name of the reserve, the bill and the trust what the three purposes are.

Committee divided on amendments:

Ayes, 5

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

Noes, 35

Atkinson, Mr	Morris, Mr
Bath, Ms	Mulino, Mr
Bourman, Mr	O'Donohue, Mr
Carling-Jenkins, Dr	Ondarchie, Mr
Crozier, Ms	O'Sullivan, Mr (*Teller*)
Dalidakis, Mr	Patten, Ms
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	Shing, Ms
Gepp, Mr	Somyurek, Mr
Jennings, Mr	Symes, Ms
Leane, Mr	Tierney, Ms
Lovell, Ms	Wooldridge, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

Amendments negatived.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr DAVIS — I move:

1. Clause 3, page 3, line 8, omit "33" and insert "34".
2. Clause 3, page 3, line 14, omit "32" and insert "33".
3. Clause 3, page 3, line 25, omit "34(2)" and insert "35(2)".

The amendments that the opposition propose are very simple in structure and objective. Amendments 1 to 3 are a test, as I understand it — and the acting chair of committees would be welcome to confirm that — for all of our amendments. The essence is to require the insertion of a new clause in the annual report so that the Department of Environment, Land, Water and Planning and its successors must include in its annual report of

operations for each financial year details regarding the use of the Caulfield Racecourse Reserve for the purposes of recreation and for public park purposes during that year. So these first three amendments are a test for that new clause.

This is one way of keeping greater pressure on governments in the future to ensure that those other objectives are adhered to and delivered in a proper way. I know the government has an alternative amendment. I do not regard it as an alternative amendment as the government has foreshadowed it. It is an amendment that would require the newly created authority to report. I welcome that, and I indicate that the opposition will support the government's amendment because it believes it is a useful amendment, but that in no way diminishes the need to hold the government, through the department and ultimately the minister, accountable for these outcomes.

We would seek in this set of amendments 1 to 3 to clause 3 to insert that new requirement to ensure that the department will report every year, that it will report on this constructively in an ongoing way, that the minister will have to respond and that there will be an opportunity to shine further light on that. Councils will be able to put pressure on, the community will be able to put pressure on and indeed members of this place and the other place will also be in a position to monitor this and to keep further pressure on the minister through the departmental annual report in addition to other reports.

The ACTING PRESIDENT (**Mr Melhem**) — I just clarify that what Mr Davis said in his contribution is that his amendment will make subsequent amendments in relation to numbering in clauses 3, 33, 45, 48, 49 and 50, so it will be a matter of numbering.

Mr DALIDAKIS — I thank Mr Davis for his contribution, his work throughout this process and his earlier contribution. Of course it is not an amendment that the government is going to agree to. I am hearing groans from Mr Davis's own backbench. I am not sure whether that is lunch disagreeing with Mr Finn or his desire to move —

Mr Finn interjected.

Mr DALIDAKIS — I will let that pass in the spirit that we have had a very good debate here, Mr Finn. We have had a very good spirited and very well natured discussion and debate. This bill has come about as a result of bipartisan efforts from our colleagues in the other place Mr Southwick and Mr Dimopoulos. In relation to the proposed amendment put forward by Mr Davis and those opposite, this seeks to create duplication and additional red tape in the piece of legislation before us — a piece of legislation that will see the trust already table in both houses of Parliament a report that details its operations and the use of the racecourse reserve for the purposes that have already been stated as part of this debate. We do not see a need to create duplication, to create inefficiency and to increase red tape when in fact all sides of politics are attempting to remove such orders.

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Mr DALIDAKIS — As I was indicating before I had to deal with the procedure of the house, we are wanting to remove inefficiencies and red tape and we are wanting to stop duplication. Unfortunately it is the government's view that as well intentioned as this amendment may be, it indeed encourages greater duplication and inefficiencies and increases red tape. That is why the government will be opposing these amendments.

Ms PENNICUIK — I have a question first for the minister — because I am inclined to support this amendment — about whether the department reports on other parcels of Crown land and the purposes for which they are to be used.

Mr DALIDAKIS — It is my great pleasure. In a desired attempt to be expeditious, the answer to Ms Pennicuik is no.

Ms PENNICUIK — Nevertheless, Minister, given the history of this parcel of land, I do not necessarily think it is a bad thing for the department in its annual report to Parliament to be reporting on the use of the Caulfield Racecourse recreation and public park reserve.

Mr DAVIS — I think Ms Pennicuik has made a good point, and I think the minister is wrong in claiming that this is duplication. This actually elevates the importance of this requirement, and the secretary of the department and the minister knowing that every year they need to report in their own report on these matters I think strengthens the focus. This is a very important piece of land. It is not only very important to racing but it is also very important to the communities in Glen Eira and Stonnington, which have the lowest amount of public open space in the state. In that circumstance and given the laudable objectives and bipartisan direction that we are heading in, this will help keep pressure on future governments. I cast no aspersion on either colour of politics at this point. This

is just a simple mechanism to keep a focus on this longer term.

Mr DALIDAKIS — I thank Ms Pennicuik and Mr Davis for their joint contribution — questions in good faith by Ms Pennicuik on one hand and a desired outcome for other purposes by Mr Davis on that hand. Again I just simply reiterate that the requirement of the trust is that it must table its report in Parliament in this place and the other place. We believe that reporting requirement is sufficient to provide a level of oversight to the public and other politicians in this place now but also to future parliaments that may have a similar interest to Mr Davis, Ms Pennicuik and me as members for Southern Metropolitan Region. They cover this wonderful, august institution known as the Caulfield Racecourse. Again, we think that we have got this covered. We believe that the trust report will very specifically deal with these issues raised by Ms Pennicuik, and that is why we are opposing Mr Davis's amendment.

Committee divided on amendments:

Ayes, 24

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

Noes, 16

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

Amendments agreed to.

Amended clause agreed to; clauses 4 and 5 agreed to.

Clause 6

Ms PENNICUIK — I have a question on clause 6 of the bill. It does relate somewhat to clauses 7 and 8, so it might be that I do not have to ask questions on clauses 7 and 8. Clause 6(2) states that the trust 'must not accept appointment and act as a committee of management' in respect of the land et cetera 'without the approval of the minister' — that is, the Minister for Energy, Environment and Climate Change — 'and the minister responsible for administering the Racing Act'. The bill does not say anything other than that there will be five to seven trustees and one will be the chairman —

Mr Dalidakis — Or chairwoman.

Ms PENNICUIK — Or chairperson. The history of this reserve is that it was overseen by a very secretive trust, which met in secret and did not issue reports or any public documents about its activities for a very, very long time. Certainly six of the trustees were direct appointees of the Melbourne Racing Club, and invariably most of the other appointees by the government were also related to the racing industry. So my question is: while there is nothing in the bill, will there be something in the regulations or will the government make sure that the trustees are not again dominated by racing appointees?

Mr DALIDAKIS — Can I from the outset suggest to Ms Pennicuik that in fact the question that she has raised deals more with clause 7 than indeed clause 6. If I can draw Ms Pennicuik's attention to clause 7, what it does is it points out that on the membership of the trust it is effectively provided that the minister is the appointer of the trustees. The very issue that Ms Pennicuik has raised as a concern is actually negated by the fact that the minister is the one appointing the trustees. So we will not have a situation as described, Ms Pennicuik, in the previous trusts.

Ms PENNICUIK — That is very good to hear, Minister, that that would be the case. The reason I raised that under clause 6 was the mention of the Minister for Racing with regard to the committee of management. Under clause 7 — seeing as you have raised it, Minister — would the qualification, skills and experience that the minister would consider with regard to the appointment of trustees be the same as in similar trusts — as in, say, the Kardinia Park Stadium Trust et cetera?

Mr DALIDAKIS — I thank Ms Pennicuik for her question. As with any boards and trustee arrangements that the state of Victoria is responsible for appointing, we must always take into consideration the skill set of the people that are being appointed. Can I also point out that a very important point, no doubt one that Ms Pennicuik is very supportive of, is that the desire of this Victorian government led by Daniel Andrews and the 58th Parliament is to ensure that there is a gender balance on all of the boards that we appoint — a

50-50 gender balance. Of course where there is an odd number we cannot quite reach that one way or the other but then we can get as close to that as possible. There are always attributes that the government seeks to make sure are available at the disposal of boards. This will be no exception, and we will continue to make sure that those skill sets are met. The best avenue that Ms Pennicuik has of course is both through question time, the Public Accounts and Estimates Committee and other opportunities to quiz government about appointees or appointments that are made to these types of institutions. So there are a huge range of opportunities for Ms Pennicuik to pursue that at a future point in time, but again I can give confidence that the skill set will be relevant to what the board needs, and the trust needs in this particular instance, and that we will ensure that we continue to meet our key criteria, including of gender diversity as well.

Ms PENNICUIK — Thank you, Minister, for your answer. In the past when items were taken to the trustees for improvements at the reserve, if they were opposed by the racing appointees, that did not happen, because they always had the majority. They were always the majority of the trustees, so if anything was brought by the council or by any other trustees that did not have racing interests, it did not happen. So my question is: will the government make sure that there is never a majority of racing appointments to the trustees?

Mr DALIDAKIS — Can I thank Ms Pennicuik for the good-faith nature in which she asked her question, but can I point out that again, as I have mentioned earlier, there are no racing appointees. Clause 7 deals with the fact that the minister appoints all of the trustees, including the chair of the trust. Very specifically to the point that Ms Pennicuik raises in relation to the reserve, I come back now to clause 6(2) and draw Ms Pennicuik's attention to it. It states:

> The Trust must not accept appointment and act as a committee of management under the **Crown Land (Reserves) Act 1978** —

and this is the critical part, Ms Pennicuik —

> in respect of land outside the Reserve without the approval of the Minister and the Minister responsible for administering the **Racing Act 1958**.

Thus there is no ability for the trustees to operate outside of that reserve otherwise. Again, in relation to clause 7 and membership of the trust or members of the trust more particularly, clause 7 states:

> (1) The Trust consists of at least 5 but not more than 7 members' appointed by the Minister.
>
> (2) The Minister must appoint one member of the Trust as chairperson of the Trust.

Again, as I alluded to, clause 7(3)(a) and (3)(b) talks about the 'person's capacity to perform the functions of the Trust', and indeed taking into account their 'qualifications, skills or experience' that is relevant to the management of the reserve.

So the difference, as we go through the bill before us, is very specifically that the appointees are directly responsible to the minister and the minister reports to the Parliament. So you can have a degree of confidence, Ms Pennicuik, that the issues and concerns that you have rightly held over such a long period of time, because of the dysfunction of the trust — which is why the government has moved forward with this legislation — will be dealt with accordingly.

Ms PENNICUIK — Thank you, Minister, for your answer and for drawing my attention to clauses 6 and 7, with which I am very familiar, and for reading it out to me whilst indeed I have it right in front of me. My terminology may have been incorrect in saying 'appointees', but I am saying that what the committee is concerned about is that a minister may appoint five to seven trustees and the one to be the chairman, and my question is: will the government, notwithstanding your answer before, endeavour to make sure that people with a racing background, whatever their other skills and expertise are, do not hold a majority on the trust?

Mr DALIDAKIS — The member is asking me to look into the future and determine what the ministers of this government or a future government may or may not do. I say again that qualifications, skills and experience will be needed in order to manage the facility. That includes of course not just managing the racecourse but having an understanding of the relationship between the tenant — the MRC — and the trustees as well. It will also require trustees to have a depth and breadth of experience that is no different from, for example, the board at Parks Victoria; it is no different from any number of boards, including the boards that report to me, such as LaunchVic. So again I wish to provide confidence to the member that skills and experience will be required, but really the confidence should be placed in the fact that five to seven members are appointed by the minister. So the very concern and the very nature of the issues that Ms Pennicuik has raised before about conflict and about dysfunction of the previous trust often came about because the MRC had the opportunity to appoint their own members to the trust. That is not possible under the legislation that is before us. It is a sole

appointment by our minister in our government or in a future government yet to be determined.

Clause agreed to; clauses 7 to 20 agreed to.

Clause 21

Ms PENNICUIK — Minister, clause 21 is a very short clause. It states that the trust is a public body to which part 7 of the Financial Management Act 1994 applies. This is a question I am raising which does not necessarily relate directly to the bill, except that the bill provides that the trust will now have to comply with the Financial Management Act. My question is — and you may need to take it on notice — whether the government has in its investigations had a look into the fate of moneys raised by the Melbourne Racing Club in its various activities, be they racing, be they exhibitions or be they other commercial activities such as the Tabaret et cetera. Is the government able to say where that money has gone and what it has been used for over — let us just say — the last 20 years?

Mr DALIDAKIS — I will take Ms Pennicuik up on her offer to take that on notice, and I will relay that question to the appropriate minister.

Clause agreed to; clauses 22 to 25 agreed to.

Clause 26

Ms PENNICUIK — Minister, just looking at clause 26 with regard to the strategic plan, could you briefly outline the process with regard to the formulation of the strategic plan, particularly with regard to involvement of the community and local government?

Mr DALIDAKIS — I thank Ms Pennicuik for her ongoing vigilance on behalf of the community for fear that indeed somehow the new trust will be less democratic than the old one, which would be very difficult to achieve. Can I point out that clause 26(3) — that goes from (3)(a) right through to (3)(e), Ms Pennicuik; I know that you are au fait with every clause of this bill, so please take this in the spirit in which it is intended — provides that:

> (3) In preparing a draft strategic management plan, the Trust must consult with—
>
> (a) the Minister; and
>
> (b) the Minister responsible for administering the **Racing Act 1958**; and
>
> (c) the local Council …
>
> (d) the holders of any lease or licence over the Reserve, and
>
> (e) any other persons or bodies that the Trust considers are likely to be affected by the plan.

which in this case of course is Glen Eira — Whilst it is not stated, that would of course without a doubt include, for example, neighbours of the facility, owners and operators et cetera — people that the trust has the ability to identify. Of course neither Ms Pennicuik nor I can understand with the foresight of Solomon how that precinct will develop over time. Thus to be able to provide a degree of flexibility so that the trustees are able to use their wisdom, the wisdom of Solomon, at that future point in time of course is something that we believe is good and appropriate public policy which is outlined in clause 26(3).

Clause agreed to; clauses 27 to 30 agreed to.

Clause 31

Mr DALIDAKIS — Our amendments are in two parts. The first one deals with clause 31, line 24. We in our drafting made an error. We are looking to omit the word 'prepare' and insert 'table'. That is clause 1. In clause 2, after line 26, we insert the following statement:

> The Trust must include in its annual report details regarding the use of the Caulfield Racecourse Reserve for the purposes of recreation and for public park purposes during the preceding financial year.

Of course this is what I was alluding to earlier, and it will ensure greater accountability in terms of the scope of the trust's annual report as it is tabled in both houses of our Parliament.

The ACTING PRESIDENT (**Mr Elasmar**) — Minister, the advice is that you move amendment 1 by itself and then you move amendment 2. They are amendments to the same clause — we understand that.

Mr DALIDAKIS — I always defer to the Clerk of the Parliaments — indeed not just the Clerk of our Council — and I thank you for that advice. I move:

> 1. Clause 31, line 24, omit "prepare" and insert "table".

Mr DAVIS — We will support the amendment. We believe it is a constructive amendment. It assists with further reporting and works in parallel with our own proposals.

Ms PENNICUIK — The Greens will be supporting the amendment as well, for similar reasons — accountability and reporting requirements on the trust.

And I am happy with a minor consequential amendment.

Amendment agreed to.

Mr DALIDAKIS — I move:

2. Clause 31, after line 26 insert —

"( ) The Trust must include in its annual report details regarding the use of the Caulfield Racecourse Reserve for the purposes of recreation and for public park purposes during the preceding financial year.".

I do not wish to take up any more time. I have already given a reason as to why we are moving amendment 2 to clause 31, so I put it to this house that obviously we look forward to support for this amendment.

Amendment agreed to; amended clause agreed to.

New clause A

Mr DAVIS — I move:

4. Insert the following New Clause to follow clause 31 —

"**A Annual report of the Department**

The Department of Environment, Land, Water and Planning must include in its annual report of operations for each financial year, details regarding the use of the Caulfield Racecourse Reserve for the purposes of recreation and for public park purposes during that year.".

This follows the test of the clauses discussed earlier in the debate which were essentially machinery clauses, but this is the actual clause that is the annual report. It provides that the Department of Environment, Land, Water and Planning must include in its annual report of operations each year details regarding the use of Caulfield Racecourse Reserve for the purpose of recreation and for public park purposes during that year. As I have said before, this is synergistic with the government's amendment and has already been tested.

New clause agreed to; clause 32 agreed to.

Clause 33

Mr DAVIS (Southern Metropolitan) — I move:

5. Clause 33, page 20, line 14, omit "38" and insert "39".

Amendment agreed to; amended clause agreed to; clauses 34 and 35 agreed to.

Clause 36

Ms PENNICUIK — I move:

21. Clause 36, page 23, line 22, omit "65" and insert "21".

22. Clause 36, page 23, line 23, omit "In the case of a lease for a period exceeding 21 years, the" and insert "The".

The amendment reduces the number of years for which a lease can be granted under subsections (3) and (4), such that a lease may be granted for a period not exceeding 21 years, which is the standard period for a Crown land lease, and would remove the following phrase, which refers to the case of a lease for a period exceeding 21 years.

I move this amendment for two reasons. One, I do not see any need — despite what the government has said or what the government advisers have written to me — for a lease of up to 65 years, in particular when we are entering a new era with new strategic plans and frameworks, and certain things are changing, such as the removal of training and the changes of activities that we may see in that 21 years. If you go back in time 21 years, you will notice a lot has changed, and I think that in this instance putting in place 65-year leases is not needed and is not warranted.

Mr DALIDAKIS — I thank Ms Pennicuik for her amendment. The government will not be supporting the amendment. We have gone into great detail in earlier contributions to outline why we believe that 65 years is the appropriate period of time, and as such we believe that this amendment should be voted down.

Mr DAVIS — The opposition will not support the amendments. I understand they have been brought in good faith, and I understand the arguments put by Ms Pennicuik. The key point here I think, though, is that the longer period provides greater certainty and actually may allow these movements to take place. The risk is that if the arrangements are not struck with the racing club, the steps that could then consequently follow — the removal of training or the moving of training to other locations — are less likely to occur and less likely to occur in a timely way. That is our motivation to ensure that we get a good outcome, as well as providing certainty and security for racing.

Ms PENNICUIK — I thank Mr Davis and the minister for their attempts to convince me. I think 21 years is quite a long time, and there could actually be another lease of 21 years following straight on from that one if everything is going well — 65 years is a long time from now.

Committee divided on amendments:

Ayes, 5

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

Noes, 35

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

Amendments negatived.

Clause agreed to; clauses 37 to 44 agreed to.

Clause 45

Mr DAVIS — This is the matter that has already tested, so I move:

6. Clause 45, page 30, line 8, omit "44" and insert "45".

Amendment agreed to; amended clause agreed to; clauses 46 and 47 agreed to.

Clause 48

Mr DAVIS — This is again the matter already tested, so I move:

7. Clause 48, page 32, line 26, omit "45(b)" and insert "46(b)".

Amendment agreed to.

Ms PENNICUIK — I will not proceed with my amendment to clause 48, amendment 31, given that the actual substance of it, which was not being able to have a 65-year lease, has been tested with the previous amendment. That was lost, and I predict a similar outcome for this amendment.

Amended clause agreed to.

Clause 49

Mr DAVIS — Likewise, this amendment has already been tested, so I move:

8. Clause 49, page 33, line 33, omit "46(1)" and insert "47(1)".

Amendment agreed to; amended clause agreed to.

Clause 50

Mr DAVIS — I move:

9. Clause 50, page 34, line 23, omit "45(b)" and insert "46(b)".

10. Clause 50, page 35, line 12, omit "45(f)" and insert "46(f)".

Amendments agreed to; amended clause agreed to; clauses 51 to 55 agreed to; schedule 1 agreed to.

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

Mr DALIDAKIS (Minister for Trade and Investment) — I move:

That the house do now adjourn.

Aboriginal maternal and child health services

Mr ELASMAR (Northern Metropolitan) (20:22) — My adjournment matter is for the Minister for Families and Children. It relates to maternal and child health services for Indigenous children. I congratulate the minister on her efforts to ensure that all families in Northern Metropolitan Region reap the benefits of our world-class maternal and child health services, and I commend her work to deliver vital parenting support to more local Aboriginal families and children.

We know that Aboriginal families access maternal and child health services at a lower rate compared to non-Aboriginal families. I am interested in knowing what the Andrews Labor government is doing to help ensure local Aboriginal organisations deliver improved maternal and child health services to families and children in Northern Metropolitan Region. Therefore my adjournment matter is to ask the minister to visit

with me a maternal and child health service in Northern Metropolitan Region that caters for Indigenous families and to provide advice on what the Andrews Labor government is doing with Aboriginal organisations, the maternal and child health sector and local councils to design strategies that provide high-quality, culturally safe and responsive services for Aboriginal families in Northern Metropolitan Region.

Goulburn Valley Health radiotherapy services

Ms LOVELL (Northern Victoria) (20:22) — My adjournment matter is for the Minister for Health and relates to the cancer story of my constituent Monica Connolly, who resides in Shepparton. The action I seek is that the minister provide a commitment to the Shepparton community that the government will establish and fund appropriate radiotherapy services at Goulburn Valley Health so local patients like Monica Connolly are not forced to travel long distances to receive life-saving treatment.

Monica Connolly, 78 years old, is a long-term resident of Shepparton. Along with her late husband, Barry, who was an icon of both business and sport in the Goulburn Valley, Monica raised four children who all went on to be successful in their chosen fields. Monica has always looked after her health and relied on the two-year breast screening reminder letters to be sure she had regular breast cancer screenings. Unfortunately when Monica turned 70 years old the reminders stopped being delivered and she missed one of her appointments.

In October 2015 Monica was diagnosed with breast cancer and underwent six months of chemotherapy treatment at GV Health in Shepparton. This treatment shrank the tumour but Monica still had to undergo a lumpectomy one month later. The operation was a success, but Monica still needed to undergo a course of radiotherapy as part of her treatment plan. This is where Monica's treatment journey got all the more difficult for her and her family. After receiving chemo close to home at her local hospital, Monica realised that she would have to live away from the comforts of home and her supportive family and friends. In June 2016, after a month of recuperation from her operation, Monica commenced six weeks of radiotherapy treatment in Bendigo. Monica underwent one 10-minute treatment per day every Monday to Friday before travelling home each weekend to see her family. She did not have any transport in Bendigo, but Monica was lucky enough to secure a room in a block of nine units within walking distance from the hospital.

When speaking to Monica about her experience, part of her story reaffirmed to both of us the number of Goulburn Valley people who are forced to travel to Bendigo for radiotherapy treatment. During her treatment Monica would attend a weekly support group meeting of radiotherapy patients using the Bendigo facility. At these meetings Monica was joined by patients from Shepparton, Kialla, Numurkah and Harston, all forced to travel away from home and the love and support of family.

Monica could not be more appreciative of the quality of care she received while receiving chemotherapy at the Peter Copulos Cancer and Wellness Centre at Goulburn Valley Health, describing their staff as 'angels'. Thanks in part to their wonderful care, Monica Connolly is in remission from breast cancer but, like the rest of her community, she asks: if we can get chemotherapy in Shepparton, why not radiotherapy?

Minister, will you provide a commitment to the Shepparton community that the government will establish and fund appropriate radiotherapy services at Goulburn Valley Health so local patients like Monica Connolly are not forced to travel long distances to receive life-saving treatment?

Opal Seahaven

Mr FINN (Western Metropolitan) (20:26) — I wish to raise a matter this evening for the Minister for Consumer Affairs, Gaming and Liquor Regulation, and it concerns a matter that has come to my attention very recently. A major 110-bed nursing home exists in Inverloch and is the home of elderly and, in many cases, feeble and immobile residents. It is owned and operated by Opal Aged Care and is known as Opal Seahaven, Inverloch. Many of the residents are between 90 and 100 years of age and are very frail.

Over recent months a refurbishment of 40 bathrooms has been underway at this facility, which has involved stripping out in their entirety six bathrooms at a time. The strip-out removes all toilets, handbasins and showers, then the floor tiles are jackhammered out. You can imagine the noise, the dust and the mess. The residents are woken early and removed from their rooms at 7.00 a.m., allowing tradies to work unrestricted all day up to 4.00 p.m., following which, amazingly, residents are returned to their rooms. Unfortunately the cleaners at this facility finish their shift at 3.00 p.m. That is something that is of major concern.

It was with disbelief that I learned that these elderly, vulnerable residents are still occupying these rooms whilst this several-week renovation takes place. Much of the day, all night and all weekend they are living in their room with no toilet, no handbasin, no shower — zero facilities. This is a disgrace.

We recently had a long weekend here in Victoria, as I am sure members would be aware. For these residents it was three days and three nights straight without a toilet, handbasin or shower. It beggars belief, does it not, and I believe that Opal must be held to account. That there are elderly people sleeping in Inverloch tonight without facilities of any kind is something which will outrage most people and certainly outrages me. In their twilight years, having lived through the Great Depression and World War II, in which some of them served, they have now been reduced to living below Third World standards. We need to stand up for them and fight for what they believe is a basic standard of living. These people have been treated in a disgusting and inexcusable manner by Opal Aged Care, who clearly put profit before people. A full inquiry by the state government is needed to ensure that this situation is rectified and, perhaps just as importantly, that it is never allowed to happen again.

I ask the Minister for Consumer Affairs, Gaming and Liquor Regulation to investigate what is going on at Opal Seahaven in Inverloch to ensure that the situation is rectified and to ensure that this sort of disgraceful situation is never allowed to happen again.

Fire season preparedness

Ms BATH (Eastern Victoria) (20:29) — My adjournment debate this evening is for the Minister for Emergency Services, the Honourable James Merlino in the other place. The Bushfire and Natural Hazards Cooperative Research Centre's latest seasonal outlook predicts an elevated fire risk to the bulk of eastern and south-eastern Australia. Local experts in my area of Eastern Victoria Region say that fuel loads are significant, with potential to dry quickly and create catastrophic events.

Wildfires result in horrendous consequences for our forests, timber plantations and native forests as well as for our domestic animals, birds, property and life. Maarty Krygsman from the Gippsland Arson Prevention Program (GAPP) informs me that the Country Fire Authority has already started placing warning signs along Gippsland highways, such as 'Arson is a crime' and 'Make sure to extinguish your campfires'. It is vital to deter would-be arsonists and educate lazy campers.

The Standing Committee on the Environment and Planning's final report on its inquiry into fire season preparedness contained a number of findings in relation to arson prevention. It included the Gippsland Arson Prevention Program as a positive and valuable example of the community and agencies working together to address significant causes of bushfire and indicated that it should be commended.

Another finding looked at the significant percentage of fires caused by human activity, either through deliberate action or accident or negligence, stating that the GAPP program represents a significant and positive initiative and is an example to communities. One of the recommendations states:

> The government should:
>
> (a) provide additional support to the Gippsland Arson Prevention Program; and
>
> (b) support the establishment of arson prevention programs of this type in other bushfire-prone regions within Victoria, and involve both community and government agencies.

Recommendation 2 is that:

> The government introduce an amendment to the Country Fire Authority Act 1958 or other instruments which imposes significant penalties and strengthens enforcement, including via infringement notices, for offences against total fire ban requirements before the 2017–2018 fire season.

With fire season just around the corner, the action that I seek from the minister is that he get on the front foot and implement recommendations 1 and 2 from this inquiry as a matter of priority in order to support the Gippsland Arson Prevention Program and deter and educate people against arson and negligent acts in our forests to protect life, property, our bush, our native animals and our domestic stock as well.

Fiskville former training site

Mr MORRIS (Western Victoria) (20:32) — My adjournment manner this evening is for the attention of the Minister for Emergency Services, and it relates to the Fiskville former Country Fire Authority training site that this government decommissioned without a plan for its future use. I want to congratulate Moorabool Shire Council for their forward planning in trying to find a use for the Fiskville site. It is terribly disappointing that this government failed, before remediating the site, to work out what the future use of it would be. Moorabool council has proposed a motorsport facility be established at Fiskville, which could potentially be a very good use of the site.

I note that the former Liberal government provided funding to Ballarat City Council to undertake a study about a potential motorsport facility in either Ballarat or the region, and that is something that has certainly informed some of these discussions. There are a number of motorsport facilities in Victoria that are likely to be decommissioned in the very near future, and there is going to be a need for a new motorsport facility somewhere in Victoria. Potentially the Fiskville site could be an appropriate location for such a facility.

What is terribly disappointing is that this government, despite commitments to the contrary, has failed to deliver the jobs into the Ballan area that it promised when Fiskville was closed. The significant job losses have had a devastating impact on Ballan and its economy. This government has really left the people of Ballan and surrounding communities in the lurch by taking away these jobs without any commitment to replace them with like-for-like replacements. So the action that I seek from the Minister for Emergency Services is that he detail to the community what the precise plans for the CFA Fiskville site are into the future. It appears this government is lacking —

Mr Finn — All over the shop.

Mr MORRIS — All over the shop; indeed, Mr Finn. They are all over the shop with the future use of the Fiskville site. So the action I seek is: can the minister please detail what the future use of the Fiskville site will be to give some certainty to the Ballan community?

Responses

Ms PULFORD (Minister for Agriculture) (20:35) — A quiet night tonight — people might be saving their energy for later in the week. Five members have raised adjournment matters — Mr Elasmar for Minister Mikakos, Ms Lovell for Minister Hennessy, Mr Finn for Minister Kairouz and Ms Bath and Mr Morris for the Minister for Emergency Services, the Deputy Premier — and I will ask for responses accordingly in the usual way.

I also have written responses to adjournment debate matters raised by a number of members listed on this piece of paper. I can read them out if you like, but that will not be necessary.

The PRESIDENT — Do you know how many?

Ms PULFORD — I will count them — 15 members.

The PRESIDENT — Thank you. On that basis the house stands adjourned.

House adjourned 8.35 p.m.